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January 3rd, 1990

URBAN/MUNICIPAL

PLANNING AND DEVELOPMENT
COMMITTEE CITY OF HAMILTON

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C51P4



E. A. SIMPSON
CITY CLERK
K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 December 20

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 January 3rd
9:00 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL
GOVERNMENT DOCUMENTS
Susan K. Reeder.

Susan K. Reeder
Secretary

SKR:mc

NOTE NEW STARTING TIME AT 9:00 O'CLOCK A.M.

ZONING APPLICATIONS WILL BE HEARD AT
10:30 O'CLOCK A.M. IN THE CITY HALL COUNCIL CHAMBERS

A G E N D A

1. Minutes of the meetings held Wednesday, 1989 November 15th and Wednesday, 1989 November 29th.

ALDERMAN H. MERLING

2. City Initiative - Plan of Subdivision - Wheten Court
(a) Information Report - Director of Property

COMMISSIONER OF ENGINEERING

3. Cash in Lieu of Parkland - "Eleanor Heights Addition - Phase One".

DIRECTOR OF PROPERTY

4. Release of building covenants - James Miles - 1154 Rymal Road East, Hamilton, Ontario, Lot 4, Plan 62M-352 - Hamilton Mountain Industrial Park No. 3.

I

DIRECTOR OF LOCAL PLANNING

5. By-law to remove part-lot control from Holland Avenue and Parcel "B", the one foot reserve, R.P. No. 909, Eleanor Neighbourhood.
6. Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road).
7. Authorization for a Public Meeting - Upper James Street (Wembly to South Bend Roads) Land Use Review.
8. Amendments to Albion Falls Neighbourhood Plan.
9. Proposed renaming of a part of Cannon Street West, between Bay Street North and Queen Street North.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

10. Designation - MacNab - Charles Heritage Conservation District.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

11. Zoning Application 89-86, R. Golba and M. Chuchla, owners, for a change in zoning from "AA" to "DE" for property at 780 Upper Paradise Road; Gurnett Neighbourhood.
12. Zoning Application 89-97, J. Greenbaum, owner, for a further modification to the "G" District regulations for property at 1000 Upper Gage Avenue; Lawfield Neighbourhood.
13. Zoning Application 89-106, E.A. Miles, owner, for a change in zoning from "AA" to "C" for the rear part of property at 323 Rymal Road East, Barnstown Neighbourhood.

10:45 O'CLOCK A.M.

14. Subdivision Application 89-13 and Zoning Application 89-42, Rymal Square Developments Inc., owner for a change in zoning from "AA" to "C", "R-4", "RT-20", "DE-3", "E-2", and "G-1" for land north of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue; Butler Neighbourhood.
15. Subdivision Application 89-15 and Zoning Application 89-72 V. and A. Sgro, owners for a change in zoning from "AA" to "C" for land at 77 Eleanor Avenue; Eleanor Neighbourhood.

11:00 O'CLOCK A.M.

16. Zoning Application 88-111, J. Calzonetti, owner for a change in zoning from "AA" and "C" to "H" for property at 829, 837, 867 Rymal Road East; Eleanor Neighbourhood.

(a) Submission - Petition
17. Other Business.
18. Adjournment.

Wednesday, 1989 November 15
1:30 o'clock p.m.
Room 233/ City Hall

1.

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Ross
Alderman H. Merling
Alderman B. Hinkley
Alderman W. McCulloch
Alderman M. Kiss
Alderman D. Christopherson

Regrets: Alderman F. Lombardo, Vice-Chairman - Vacation

Also present: Alderman T. Murray
Mr. A. Georgieff, Director of Local Planning
Mr. D. Godley, Planning Department
Mr. D. Pickard, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Mr. E. Kowalski, Director of Community Development
Ms. J. McNeilly, Community Development
Mr. R. Karl, Traffic Department
Mrs. N. Chapple, Architectural Historian, LACAC, Planning
Mr. K. Brenner, Regional Engineering
Mr. J. Sakala, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Mrs. C. Floroff, Planning Department
Mr. R. Buckle, Real Estate Department
Mr. P. Mallard, Planning Department
Ms. Joanne Hickey-Evans, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday 1989 October 11 and Tuesday, 1989 October 31 and APPROVED these minutes.

Minutes - 1989 October 11
1989 October 31

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 8 respecting demolition permit applications.

Demolition Permit
Applications

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 194 West Avenue North
- (b) 158 Mud Street

The Committee was in receipt of an information report from the Building Commissioner dated 1989 November 9 respecting the issuance of building permits. Both Mr. Lampman and Mr. Allick of the Building Department reported on this issue.

Issuance of Building
Permits

Following discussion on this matter by the Committee, the following was approved:

That the Building Commissioner report back to the Planning and Development Committee with specific recommendations on increasing fee fines for non-compliance with respect to building permits.

During discussion on this matter, it was indicated that there is a particular developer who has over 100 summonses issued against him and that this matter is before the courts. The representative from the City Solicitor's Office advised that since this matter is soon going before the courts, that information on this developer should not be released.

Developer issued over
100 Summonses

Accordingly, the Committee requested:

That the City Solicitor provide a report for the members of the Planning and Development Committee when the court case respecting the developer who has been issued over 100 summonses against him is before the courts.

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 4 respecting 37 Strathcona Avenue North (former Strathcona Fire Station) recommending that the application for demolition of the building at 37 Strathcona Avenue North be referred to L.A.C.A.C. for consideration and recommendation in accordance with the requirements of the Ontario Heritage Act.

Father Marino, of St. Demitrious Greek Orthodox Church, owners of the property, spoke to the Committee on this matter.

Considerable discussion ensued on this matter and the Committee approved the following:

- (a) That the building at 37 Strathcona Avenue North (former Strathcona Fire Station) be approved in accordance with Section 34(2)(a) of the Ontario Heritage Act, and
- (b) That the City Solicitor be directed to prepare a By-law to repeal the designating By-law 89-271.

The Committee was in receipt of a report from the City Treasurer dated 1989 November 8 respecting partial release of holdback.

The Committee approved the following:

That partial holdback in the amount of \$17 000.84 be released to McLean-Peister Limited for the completion of P.O. 34116 for Stipeley-Crown Point West P.R.I.D.E. pending receipt by Treasury of the standard release forms from the Contractor and City Solicitor's Department.

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 8 respecting Locke Place Potential Business Improvement Area (B.I.A.).

The Committee approved the following:

- (a) That, a Community Improvement Project Area be designated as per Schedule 'A' attached herewith and marked Appendix "A" for Locke Place, on Locke Street between Main and Herkimer Streets in conformity with the Planning Act, Section 28.
- (b) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above.
- (c) That, the Planning and Development Committee hold a public meeting to hear citizen input on the Locke Place Community Improvement Plan as required under the Planning Act, Section 17.

NOTE: The Planning Act, Section 28, Sub-Section #7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan". In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Locke Street South from Main to Herkimer Streets, the Community Improvement Project Area must be adopted by By-law and approved by the Ministry of Municipal Affairs.

37 Strathcona Avenue North
(Former Strathcona Fire
Station)

Partial Release of
Holdback

Locke Place Potential
B.I.A.

Wednesday, 1989 November 15

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Planning and Development Committee

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 8 respecting Main Street West Potential Business Improvement Area (B.I.A.).

Main Street West Potential
B.I.A.

The Committee approved the following:

- (a) That, a Community Improvement Project Area be designated as per Schedule 'A' attached herewith and marked Appendix 'B' for Main Street West, between Locke and Queen Streets in conformity with the Planning Act, Section 28.
- (b) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above.
- (c) That, the Planning and Development Committee hold a public meeting to hear citizen input on the Main Street West Community Improvement Plan as required under the Planning Act, Section 17.

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 9 respecting Comprehensive Audit, Department of Community Development, Community Renewal and Housing Loans Sections, Departmental comments.

Comprehensive Audit -
Community Development
Department

The Committee agreed to TABLE this matter and that the Comprehensive Audit Report be included in the agenda and that this matter be placed on the next agenda for the Committee.

The Committee was in receipt of an information report from the Director of Community Development dated 1989 November 9 respecting the Community Development Department's involvement in the Regional Task Force on Affordable Housing.

Regional Task Force on
Affordable Housing -
Staff Commitment

Considerable discussion ensued on this matter with respect to the amount of time required for the commitment to the Regional Task Force.

The following motion lost on a tie vote and in accordance with City Policy was referred to City Council.

- (a) That Mr. J. Robinson, Co-ordinator of Housing Loans, Community Development Department not be approved to provide services as a resource person on the Regional Task Force on Affordable Housing, and
- (b) That the Director of Community Development not be directed to report back to the Planning and Development Committee on the estimated cost of this staff time.

NOTE: THE ABOVE RECOMMENDATION RESULTED IN A TIE-VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE AND IN ACCORDANCE WITH CITY POLICY IS BEING REFERRED TO CITY COUNCIL.

Alderman Smith spoke to the Committee on an upcoming Ontario Municipal Board Hearing respecting the City's position at the Committee of Adjustments with respect to variance.

O.M.B. Hearing
Upper Gage & Crockett

The Committee approved the following:

That the City Solicitor be directed to provide legal counsel at an upcoming Ontario Municipal Board Hearing to defend the Committee of Adjustment denial decision with respect to a variance request by Pioneer Gas Bar on Upper Gage Avenue and Crockett Avenue.

The Committee was in receipt of correspondence from Bruce Charlton, Acting Chairperson, Durand Neighbourhood Plan Implementation Committee dated 1989 November 3 respecting request for rezoning - South Durand Neighbourhood.

Rezoning - South Durand
Neighbourhood

The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1989 November 2 respecting proposed change in zoning for South Durand Neighbourhood.

The Committee was also in receipt of additional correspondence from the President of the Durand Neighbourhood Association respecting the Durand Rezoning Study proposal.

Ms. Vida Mazza, Chairperson of the Bay/Aberdeen Ratepayers Association distributed additional information with maps illustrating the presentation given by her respecting consideration of rezoning of the lands in the South Durand Neighbourhood from "C" to "B-2" modified district. A petition on this matter was also submitted.

Following discussion on the presentation by members of the Committee, the following recommendation was approved:

That the Planning and Development Committee authorized a public meeting to consider a proposed change in zoning from "C" to "B-2" modified and related policies for the South Durand Neighbourhood.

During discussion on this matter, it was requested by Alderman Christopherson that when this matter is being reviewed, staff look at the over-intensification of nursing homes in the Durand Neighbourhood.

The Committee then moved to the Council Chambers to hear Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 7 respecting Zoning Application 89-82 for property at the rear of 1258 Upper Wentworth Street.

The Committee approved the following:

That approval be given to Zoning Application 89-82, Vittorio, Guissepina, Italo and Anna DiPietro, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to create three single-family dwelling lots for property located at the rear of 1258 Upper Wentworth Street; as shown on the attached map marked as Appendix "C" on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning District Map E-18C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 1258 Upper Wentworth Street.

The effect of the proposed change in zoning is to sever the subject land into three building lots for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 6 respecting Zoning Application 89-68 for property at 1399 Upper James Street.

The Committee approved the following:

That approval be given to Zoning Application 89-68, John Paisley In Trust, prospective owner, requesting changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District, to permit retail Commercial uses (e.g. hotel, restaurant, retail stores) for property located at 1399 Upper James Street, as shown on the attached map marked as Appendix "D" on the following basis:

Council Chambers

ZA89-82 - rear of 1258
Upper Wentworth Street

ZA89-68 - 1399 Upper
James Street

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (c) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-Law No. 6593, applicable to property located at 1399 Upper James Street, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14A(3)(a) a minimum front yard of 24.0 m shall be provided and maintained;
 - (ii) That a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly rear lot line and northerly side lot line;
 - (iii) That a minimum 3.0 m wide landscaped area, excluding any vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1151, and that the subject lands on Zoning District map E-9C be notated S-1151;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for changes in zoning for property located at 1399 Upper James Street, on the following basis:

- (a) Block "1" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.
- (b) Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit future development of the property for retail commercial use (e.g. hotel, restaurant, retail stores).

In addition, the By-law provides for the following modifications as special requirements:

- (a) a minimum front yard setback of 24.0 m;
- (b) a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the easterly rear lot line and the northerly side lot line;
- (c) a minimum 3.0 m wide landscaped area, excluding any vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance.

The Committee was in receipt of letters of submission from the following:

- (a) Mr. and Mrs. Jennings, 3 Ben Lomand Place
- (b) Mr. and Mrs. Maskell, 6 Ben Lomand Place
- (c) Ms. Burrows, 4 Ben Lomand Place

Townhouse Study

Some discussion then ensued on the status of the townhouse study being undertaken by the Planning Department. Mr. D. Godley of the Planning Department advised the Committee that this report will be presented to the Committee early in 1990.

Review of the 'M' District

Mr. P. Mallard, of the Planning Department, spoke to the Committee on some difficulty that is being encountered with respect to the "M" District.

Accordingly the Committee approved the following:

That the Planning and Development Department be authorized to undertake a review of the "M" District.

ZA-89-78 - 783, 785 and
791 Concession Street

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting Zoning Application 89-78 for property located at 783, 785 and 791 Concession Street.

The Committee approved the following:

That approval be given to Zoning Application 89-78 Browview Realty Ltd., owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "1") and a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit a 5 unit townhouse development on property located at 783, 785 and 791 Concession Street, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the lands shown as Blocks "1" and "2" be modified to include the following variance as a special requirement:
 - (i) That notwithstanding the provisions of Section 18A.(1)(f) of By-law No. 6593 the required manoeuvring space aisle width for the two required parking spaces at the rear of the townhouse development shall have a minimum width of 4.88 m.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1152, and that the subject lands on Zoning District Map E-35 be notated S-1152;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at 783 Concession Street, shown as Block "1" on the attached map.

The effect of the By-law is to permit a 5 unit townhouse development on the lands described as Blocks "1" and "2", on the attached map being 783, 785, and 791 Concession Street.

Wednesday, 1989 November 15

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Planning and Development Committee

required manoeuvring area for the two required parking spaces at the rear of the townhouse development from 6.0 m to 4.88 m.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 8 respecting Zoning Application 89-83 for property at 340 Limeridge Road East.

ZA89-83 - 340 Limeridge
Road East

Report of the circularization was given as follows: 207 notices sent, 5 in favour, 7 opposed.

The owner of property at 6 Donegal Place spoke in opposition to the application and indicated it would lower the value of his home.

Mr. Robert Whitehill, 7 Donegal Place spoke in opposition to the application and indicated the area is very densely housed now. He also added there would be a tremendous impact on parking that would be felt if this application were approved, that there are too many townhouses in the area now, and that he was told when he purchased his home that the area would be single-family.

Mr. Roy Hannaford, representative for the developer, spoke to the Committee on the reasons why this application should be supported.

Moved by Alderman Merling, seconded by Alderman Kiss, that the application be denied. Motion lost.

Moved by Alderman Christopherson, seconded by Alderman Hinkley, and carried to approve the following:

That approval be given to Zoning Application 89-83, 740888 Ontario Ltd., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, to permit townhouse development for property located at 340 Limeridge Road East, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18A and E-18C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for property located at 340 Limeridge Road East.

The effect of the By-law is to permit townhouse development of the subject lands.

Some discussion ensued on the meeting time for the new 1990 Committee schedule. It was agreed that a decision on the meeting time be TABLED in order that discussion can be held with other Committees who have public meeting portions.

Meeting Time for 1990
Planning & Development
Committee

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting a site plan for property at 66 Ewen Road. Mr. John Sakala of the Planning Department outlined this report.

Site Plan - 66 Ewen Road

Considerable discussion ensued on this matter and it was agreed that this item should be TABLED until the next meeting when the public can be invited to this. It was also agreed that Alderman Kiss, Ward Alderman, be required to hold this public meeting with the people in the area, staff and the applicants, within the two weeks prior to the next meeting of the Committee and this item be placed back on the Planning and Development Committee agenda for 1989 November 28.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 1 respecting Official Plan Major (Five Year) Review.

Official Plan Major
(Five Year) Review

The Committee approved the following:

- (a) That approval be given to Official Plan Amendment No. 80, which would incorporate:
 - (i) a new subsection - General Land Use Provisions;
 - (ii) minor policy changes; and,
 - (iii) amendments to the Schedules
- (b) That the City Solicitor be directed to prepare a by-law to adopt Official Plan Amendment No. 80 for submission to The Regional Municipality of Hamilton-Wentworth.

NOTE: Section 26 of the Planning Act requires a municipality to hold a public meeting, at least once every five years, to determine if there is a need to review the Official Plan. In this regard, the Planning and Development Department undertook a major review of the Official Plan's assumptions, objectives, policies and land use designations to determine if the policy directions etc. reflected Hamilton's planning objectives and goals until the year 2001.

The review identified a need:

- (a) to add a new subsection (i.e. General Land Use Provisions) to outline uses which are permitted "as-of-right", without locational restrictions or prohibited within the City's boundaries;
- (b) to rework two existing subsections (i.e. Airport and Historic/Architectural Resources) to incorporate changing roles and operations;
- (c) to initiate several minor policy changes to clarify wording, to expand policies/procedures, recognize new government ministry names, etc; and,
- (d) to initiate amendments to three Schedules, specifically "A", "B" and "D", to reflect current or proposed land uses, adjust land use boundaries, etc.

A copy of Official Plan Amendment 80 is available from the Committee Secretary upon request.

Durand Plan Implementation
1990 Work Programme

The Committee was in receipt of correspondence from Bruce Charlton, Acting Chairperson, Durand Neighbourhood Plan Implementation Committee, dated 1989 November 7 respecting Durand Plan Implementation - 1990 Work Programme. The Committee agreed to receive this correspondence.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 8 respecting the Durand Plan Implementation - Work Programme.

The Committee approved the following:

- (a) That the Planning and Development Committee direct the Planning and Development Department to consider the inclusion of staff time for implementation of the Durand Neighbourhood Plan in their work programme for 1990.
- (b) That a member of the Planning Department staff attend the meeting of the Durand Neighbourhood Plan Implementation Committee in 1989 December.

NOTE: Alderman Merling opposed.

Extension of Draft Approval
- "Battleridge" Subdivision

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 1 respecting extension of draft approval for "Battleridge" subdivision.

The Committee approved the following:

That the Regional Municipality of Hamilton-Wentworth be requested to grant a one year extension on the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 3 respecting proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan.

The Committee approved the following:

- (a) That the Regional Municipality of Hamilton-Wentworth be notified that proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan will not conflict with the planning intentions of the City of Hamilton, provided the modification outlined in the staff Report is incorporated into the proposed Amendment; and,
- (b) That the City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above and forward a copy of the staff Report to the Region.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan. The Amendment is the result of Ancaster Town Council's adoption of a new secondary plan for the lands located east of Highway No. 403, west of city limits, south of Mohawk Road West and north of Highway No. 53.

The proposed amendment designates a small portion of the hydro corridor located adjacent to the City of Hamilton and the proposed Industrial Business Park in Ancaster, south of Mohawk Road, as "Industrial", instead of the more appropriate designation of "Open Space and Conservation". The Ancaster Official Plan generally designates hydro corridors in the area as "Open Space and Conservation", since it does not recognize utility uses.

The lands adjacent to this "Industrial" designation within the Gurnett Neighbourhood, in the City of Hamilton, are utilized and designated for residential uses. It is not intended that the hydro lands in Ancaster be developed for industrial uses. Accordingly, it would be appropriate for the entire hydro corridor to be designated "Open Space and Conservation" on Schedule "B" of the Ancaster Official Plan. This will:

- (a) be consistent with the designation of hydro corridors elsewhere;
- (b) ensure that no industrial development will occur on the hydro corridor, adjacent to residential uses in Hamilton; and,
- (c) ensure that a buffer be maintained between the Meadowland Industrial Business Park and residential uses in the Gurnett Neighbourhood.

A copy of the staff report is available from the Committee Secretary upon request.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 3 respecting proposed plan - Allison Neighbourhood.

The Committee approved the following:

That the Planning and Development Committee authorize a public meeting to discuss the proposed Neighbourhood Plan and Official Plan Amendment with respect to the Allison Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting residential enclave acquisition. It was agreed that this matter would be tabled to the next meeting of the Committee.

Proposed Amendment No. 21
(Meadowlands Community)
Town of Ancaster Official
Plan

Proposed Plan - Allison
Neighbourhood

Residential Enclave
Acquisition

Lease Agreement - Pigott
Lobby Stained Glass Windows

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 November 8 respecting lease agreement for Pigott Lobby stained glass windows.

The Committee approved the following:

- (a) That the City enter into a lease agreement with the owners of the Pigott Building respecting the reinstallation of the stained glass lobby windows in their original location with suitable protection against damage; and
- (b) That the City Solicitor be directed to prepare the appropriate lease agreement.

NOTE: On 1988 July 28, the City purchased the six original stained glass windows of the Pigott Lobby from a private dealer. These windows are presently stored for safe keeping in the City's storage building.

The windows were custom-made for the Pigott Building in 1928 and have been appraised at \$16 000. The removal of these windows from the designated Pigott Building occurred during the first proposed conversion of the building to hotel use. When the project went bankrupt, the windows disappeared. Upon rediscovering them in private ownership, the City purchased them for \$12' 000.

The new owner of the Pigott Building, Reemark Heritage Gardens Ltd., has advised LACAC of his intent to purchase these windows once the restoration of the lobby is completed.

Designation - Main Post
Office Building,
10 John Street South

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 November 7 respecting designation of Main Post Office Building, 10 John Street South.

Mr. Marcel Mongeon, of Joymarmon Company, proposed developers of this building was in attendance and spoke to the Committee requesting a hold on any designation until after an agreement has been reached for the use of this property with the Federal Government.

The Architectural Historian for L.A.C.A.C. spoke to the Committee and advised that L.A.C.A.C. wishes designation prior to Canada Post selling the building on the private market.

Following discussion on this matter, the Committee approved the following:

That NO ACTION be taken on the following recommendation of the Local Architectural Conservation Advisory Committee:

- (a) That approval be given to the "Intent to Designate" the Main Post Office Building located at 10 John Street South as a property of historical and/or architectural value, pursuant to the provisions of the Ontario Heritage Act 1983 as outlined in the Reasons for Designation attached herewith and marked Appendix "G"; and
- (b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Delay of Demolition -
65 Markland Street

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee respecting a delay of demolition for property at 65 Markland Street. The Committee agreed to TABLE this matter to the next meeting.

Wednesday, 1989 November 15

- 11 -

Planning and Development Committee

There being no further business the meeting then adjourned.

Adjournment

Taken as read and approved

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder
Secretary
1989 November 15

Wednesday, 1989 November 29
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Christopherson
Alderman D. Ross
Alderman B. Hinkley
Alderman H. Merling
Alderman W. McCulloch

Regrets: Alderman F. Lombardo, Vice-Chairman - Vacation

Also present: Alderman T. Murray
Mr. A. Georgiëff, Director of Local Planning
Mr. M. Watson, Real Estate
Mr. B. Allick, Building Department
Mr. W. Wong, Building Department
Mr. D. Pickard, Building Department
Mr. K. Brenner, Regional Engineering
Mr. E. Kowalski, Director of Community Development
Mr. D. Godley, Planning Department
Mr. V. Abraham, Director of Regional Planning
Mrs. N. Chapple, Architectural Historian, LACAC, Planning
Mr. R. Karl, Traffic Department
Mr. J. Sakala, Planning Department
Mr. V. Matus, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Mrs. V. Gruppe, Planning Department
Mr. P. Mallard, Planning Department
Mrs. Joanne Hickey-Evans, Planning Department
Mr. T. Gill, Regional Engineering
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 November 1 and approved these minutes.

Minutes - 1989 November 1

The Committee discussed the time slot to be used in the new schedule of meetings for 1990 and approved the following:

Time Frame Committee Meetings

That the 1990 meetings of the Planning and Development Committee commence at 9:00 o'clock a.m., and that the Public Meeting portion of the Committee Agenda for the purpose of hearing Zoning applications be held from 10:30 o'clock a.m., until no later than 1:00 o'clock p.m.

It was agreed that this time frame would be reviewed in three months.

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 21 respecting demolition permit applications.

Demolition Permit Applications

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 153 Eleanor Avenue
- (b) 104 Ainslie Avenue

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 23 respecting By-law 80-245 as amended by By-law 88-09 respecting land drainage.

By-law 80-245, as amended by By-law 88-09 respecting land drainage

Some discussion ensued on this matter and it was agreed that this item be TABLED to the next meeting of the Committee and that it be listed as a public meeting item. It was also agreed that the Hamilton Homebuilders Association and Mr. Havarty be invited to attend the next meeting to discuss this matter.

Commercial Facade Loan
Programme. Application
314 James Street North

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 22 respecting Commercial Facade Loan Programme application - 314 James Street North.

The Committee approved the following:

That a repayable loan, in the amount of fifteen thousand dollars (\$15 000.) be approved under the Commercial Facade Loan Programme for 314 James Street North, Mr. Tatiana Giambattista at an interest rate of 6 3/4 percent, amortized over 10 years.

Comprehensive Audit -
Community Development

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 9 respecting Comprehensive Audit Report, Department of Community Development, Community Renewal and Housing Loans Section, departmental comments. The Committee was also in receipt of the Comprehensive Audit Report.

General discussion then ensued on this matter and the Committee agreed that the following recommendation be forwarded to the Finance Committee for their referral to the Comprehensive Audits Sub-Committee on the Comprehensive Audit Report of the Community Development Department:

That the Planning and Development Committee considers the Housing Improvement Loans to be of critical importance in allowing lower income homeowners to maintain their property at a level of quality acceptable to them and to the community.

Alderman Hinkley spoke with respect to page 4 of the Comprehensive Audit Report which quotes a recommendation 4.2 which says in-part "... setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis a evaluating performance against objectives...".

Alderman Hinkley also referred to the Comments made by the Director of Community Development on this matter as indicated on page 2 of the Directors Report, namely " 3. A more formal goal setting and measure of effectiveness will be utilized by the Community Development Staff - particularly management - by holding annual goal setting meetings with follow-up meetings to measure effectiveness". Alderman Hinkley feels that this recommendation should be expanded by the Director to outline the goals, measures of effectiveness and would like to see a model of their plans in doing this part of their recommendation.

Capital Projects 1990 -
1994 - Property Department

The Committee was in receipt of a report from the Director of Property dated 1989 November 16 respecting capital projects for 1990-1994.

The Committee approved the following:

That the following projects of the Hamilton Housing Company Limited be forwarded to the Co-ordinating Committee for consideration in the 1990-1994 Capital Budget.

<u>PROJECT</u>	<u>COST</u>	<u>YEAR</u>
Upgrade heating and electrical system - Macassa Park Senior Citizen Apartments.	\$165 000.	1990
Upgrade heating and electrical system - Ada Pritchard Senior Citizen Apartments.	\$450 000.	1991

Extension of Closing Date
- City Sale to Mercanti
Management Inc.

The Committee was in receipt of a report from the Director of Property dated 1989 November 21 respecting extension of closing date - City Sale to Mercanti Management Inc. - North Half Part 1, All Part 5, 62R-8770 - Upper Ottawa Street.

The Committee approved the following:

- (a) That Section 8 of the Seventeenth Report of the Planning and Development Committee as approved by City Council on 1989 July 25 be amended as follows:
 - (i) the closing date be extended from 1989 November 21 to 1990 February 22.
 - (ii) the construction commencement date in paragraph 6.3.1 of the Purchase Agreement be extended from 1990 March 21 to 1990 September 22.
 - (iii) the construction completion date in paragraph 6.3.2 of the Purchase Agreement be extended from 1991 March 21 to 1991 September 22.
- (b) That all other terms and conditions remain the same and time shall be of the essence.

The Chairman requested information from the Real Estate Department on the number of extensions being granted on closing properties on lands in the East Mountain Industrial Parkway and expressed concerns that persons who have purchased this land are asking extensions whereas there is a long waiting list for these lands. Mr. Watson of the Real Estate Department responded to the Chairman's inquiry.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 November 21 respecting cash payment in lieu of 5% parkland dedication for "Cantelmi Court."

Cash in Lieu of
Parkland - "Cantelmi
Court"

The Committee approved the following:

That the City of Hamilton accept the sum of \$9 625. as cash payment in lieu of 5% parkland dedication in connection with "Cantelmi Court", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located north of Rymal Road and west of Upper Ottawa Street in the Templemead Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 November 21 respecting cash payment in lieu of 5% parkland dedication for "Kingsberry Gardens - Phase 4".

Cash in Lieu of Parkland
"Kingsberry Gardens -
Phase 4"

The Committee approved the following:

That the City of Hamilton accept the sum of \$50 000. as cash payment in lieu of 5% parkland dedication in connection with "Kingsberry Gardens - Phase 4", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located north of Limeridge Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 8 respecting residential enclave acquisition.

Residential Enclave
Acquisition

Considerable discussion ensued on this matter and the Committee agreed with the Staff recommendation with the exception that funds be allocated in the fourth and fifth year of the Capital Budget in order that the project not be removed entirely from the Capital Budget process.

Accordingly the Committee approved the following:

- (a) That the enclaves acquisition program for Alpha East (east of Sherman), Leeds, Biggar and Stapleton be put on hold and that the remaining properties in Alpha West (West of Sherman) be acquired under the current acquisition program.
- (b) That the costs of acquisition and sale price of industrial land be monitored and a re-evaluation of the program carried out in 1990 in conjunction with the Business Land Use Advisory Board.
- (c) That a budget proposal be forwarded to the Co-ordinating Committee for consideration for inclusion in the 4th and 5th year of the 1990 - 1994 City of Hamilton capital budget.

Site Plan Control
Application DA89-72 -
66 Ewen Road

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1989 October 30 respecting Site Plan Control Application DA89-72 for a public storage warehouse at 66 Ewen Road.

The Committee was advised that the applicants for this matter wish this item to be withdrawn from the agenda and the Committee agreed to withdraw this matter from their agenda.

Proposed Draft Plan of
Subdivision "Eastgate
Heights Extension"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 1 respecting proposed draft plan of subdivision for "Eastgate Heights Extension".

The Committee approved the following:

- (a) That approval be given to Subdivision Application SA-89-12 "Eastgate Heights Extension", Landmart Building Corporation, owner, to establish a draft plan of subdivision located at the easterly termination of Village Drive, north of Delawana Drive and West of Centennial Parkway, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by Ashenhurst Nouwens Ltd., dated 1989 June 9, revised to show 2m x 2m daylight triangles at the intersection of Village Drive with Fairington Crescent and by deleting the area of Fairington Crescent.
 - (ii) That the street be dedicated as a public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That Blocks "7" to "12" inclusive be developed only in conjunction with adjacent lands.
 - (ix) That all lots fronting on Fairington Crescent not receive final approval prior to the registration of Eastgate Heights plan of subdivision (25T-86009).

- (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-12), Landmart Building Corporation, owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.
- (c) That the neighbourhood plan be amended accordingly.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 10 respecting proposed Draft Plan of Condominium "Rymal Industrial Estates".

The Committee approved the following:

That approval be given for Condominium Application SA-89-17, "Rymal Industrial Estates", Dunston Developments Inc., owner, to establish a draft plan of condominium located on the east side of Upper Ottawa Street, north of Rymal Road, subject to the following conditions:

- (a) That this approval apply for the plan prepared by Guido Consoli Surveying Ltd., dated 1989 February 10.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 12 respecting Proposed Draft Plan of Subdivision "Abbey Hill Farm - Phase 2".

The owner of property shown as lots 19, 20 and 21 spoke to the Committee and asked for various changes to be made to the Draft Plan of Subdivision. It was agreed the owner of these properties should speak to the Planning staff about his proposal and that the appropriate changes be made.

The Committee then approved the following:

- (a) That approval be given to Subdivision Application SA-89-09, Shedaco Holdings Limited, owner, to establish a draft plan of subdivision south of Rymal Road West, west of Christie Street, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by Ashenhurst Nouwens Limited dated 1989 November 8, revised to show 18 lots, 1 block for future development with abutting lands, 1 block for park purposes and 1 block for 0.3m reserve.
 - (ii) That the plan not receive final approval before a road access is established to this plan of subdivision and the storm and sanitary sewer system as well as municipal water services are available to service this plan of subdivision.
 - (iii) That the streets be dedicated as public highways on the final plan.
 - (iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (v) That the final plan conform with the Zoning By-law approved under The Planning Act.

Proposed Draft Plan of
Condominium "Rymal
Industrial Estates"

Proposed Draft Plan of
Subdivision "Abbey Hill
Farm - Phase 2"

- (vi) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "20".
 - (vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (viii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (ix) That the dead-end of the road allowance (Block "21") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance.
 - (x) That Block "19" be developed only in conjunction with abutting lands.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of the final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-09), Shedaco Holdings Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Kennedy East Neighbourhood Plan be amended accordingly to reflect the changes established by the draft plan of subdivision.

Proposed revision to a draft approved Plan of Subdivision "Wellington Chase - Phase 2"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 10 respecting proposed revision to a Draft Approved Plan of Subdivision for "Wellington Chase - Phase 2".

Mr. Bill Sinclair Sr. and Jr., owners of the subdivision area were in attendance to speak to this matter. Mr. Sinclair Sr. indicated that he disagreed with the proposed cul-de-sac and wishes to have a "hammerhead" road ending.

The Committee agreed with this amendment and approved the following amended recommendation:

- (a) That the proposed draft plan of subdivision "Wellington Chase - Phase 2", Wellington Chase Inc., owner, in the City of Hamilton under Regional File No. 25T-87010, as approved by Regional Council on 1987 December 1 be revised by showing 58 street townhouse properties and a road within the area of Block "191" and by adding the following conditions after condition (j):
- (k) That Street "A" must be established to a width of 20m with a hammerhead at the termination of this cul-de-sac. Furthermore, Street "A" should be widened by 3.75m to 23.75m from the south property line of Lot 41 to the south limit of the plan;

- (l) That direct access to Lots 1 to 20 inclusive not be permitted from Upper Wellington Street. Access to Upper Wellington Street shall only be permitted through two common access points. Therefore, a minimum width of 6.0m mutual right-of-way be established along the westerly limits of the lots 1 to 20 inclusive immediately adjacent to the Upper Wellington Street road allowance as widened;
- (m) That all lots (Nos. 1 to 58 inclusive) be subject to and comply with the requirements of the approved Site Plan Application DA-89-75;
- (n) That prior to the final approval of this revision the owner receive an approval by the Committee of Adjustment for Lots 37 to 40 and 55 to 58 inclusive for a variance to the provisions of the applicable zoning district.
- (b) That the alphanumerical numbering of the remaining conditions be changed accordingly.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting acquisition of computer graphics workstation for the Planning and Development Department.

Acquisition of Computer Graphics Workstation - Planning Department

The Committee approved the following:

- (a) That the Planning and Development Department be authorized to acquire one computer graphics workstation to enhance Urban Design Services at a cost not exceeding \$60 000.
- (b) That the cost of this additional workstation be financed from anticipated savings in the Current (1989) salary and benefits accounts.

NOTE: The Planning and Development Department wishes to acquire a computer graphics workstation that will enhance the current level of urban design services.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Community dated 1989 November 10 Respecting delay of demolition - 65 Markland Street.

Delay of Demolition - 65 Markland Street

The Committee approved the following:

- (a) That City Council, in accordance with the provisions of Section 34(2) (b) of the Ontario Heritage Act, 1983, refuse the demolition application, hence prohibiting any work of demolishing or removing any building or structure on the property known as 65 Markland Street, for a period of 180 days; and
- (b) That no demolition permit be issued for 65 Markland Street until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of The Planning Act.

NOTE: Under no circumstances could any demolition permit be issued prior to the expiration of the above-noted 180 day period.

At this point the Committee moved to the City Hall Council Chambers to hear Zoning Applications.

Zoning Applications

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 21 respecting amended Zoning Application 89-28 for property located on the west side of Annabelle Street, north of Stone Church Road West.

ZA89-28 - West Side of Annabelle Street, north of Stone Church Road West

The Committee approved the following:

That approval be given to amended Zoning Application 89-28, James Zaborsky, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development for property located on the west side of Annabelle Street, north of Stone Church Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of Annabelle Street, north of Stone Church Road West.

The effect of the By-law is to create two single-family residential building lots.

ZA89-70 - 718 & 720
Stone Church Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-70 for property at 718 and 720 Stone Church Road East.

The Committee approved the following denial recommendation:

That Zoning Application 89-70, Elia Investments (Hamilton) Limited, owners, requesting a modification to the established "R-4" (Small Lot Single-Family Detached) District regulations to permit 12 semi-detached dwellings in a "block form" of development with a common access drive from Stone Church Road, for property located at 718 and 720 Stone Church Road East, as shown on the attached map marked as Appendix "B", be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that the proposed development would contribute to the indiscriminate mix of housing types in this area comprised primarily of single-family dwellings.
- (b) It does not comply with the approved Eleanor Neighbourhood Plan which designates the site for "single and double" residential use, in that the proposal is representative of a townhouse type development rather than conventional semi-detached dwellings.
- (c) It represents an over-intensification of land use, in that the proposed development would provide 24 units whereas conventional semi-detached development would yield approximately 16 units.
- (d) The proposed development is considered inappropriate and not in the interests of good planning.
- (e) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

ZA89-85 - 1171 Upper
James Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-85 for property at 1171 Upper James Street.

The Committee approved the following:

That approval be given to Zoning Application 89-85, 814904 Ontario Inc. (O. Zendel), owner, requesting a change in zoning from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District, modified to permit a one storey, 1 003 m² addition to the building located at 1171 Upper James Street, as shown on the attached map marked as Appendix "C" on the following basis:

- (a) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 14A(2), no building or structure shall exceed one storey in height.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-760a, and that the subject lands on Zoning District Map E-9B be notated S- 760a;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (f) That as a condition of Site Plan Approval, the applicant agree in writing, that only a right-in/right-out access will be permitted at the southerly portion of the property when the interchange is in operation.

NOTE: The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District modified, for the property located at the rear of 1171 Upper James Street.

The effect of the by-law is to permit a one storey, 1003 m² addition to the building located at 1171 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 21 respecting Zoning Application 89-93 for property at the rear of 311 Rymal Road East.

ZA89-93 - Rear of
311 Rymal Road East

The Committee approved the following:

That approval be given to Zoning Application 89-93, Henry and Shirley Joldersma, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to create four building lots for single-family residential dwellings, for property located at the rear of 311 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 311 Rymal Road East.

The effect of the By-law is to subdivide the subject property to create four (4) building lots for single-family dwellings, fronting onto the street at the rear (Bastille Street).

ZA-89-77 - North of
Queenston Road, West of
Grays Road

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-77 for property at the north of Queenston Road west of Grays Road.

The Committee was also in receipt of a petition of opposition to this Zoning Application from persons on Federal Street, Berkindale Drive and Grays Road.

Report of the circularization was given as follows: 173 notices sent, 10 in favour, 9 opposed.

Mr. Lomand Webb, 10 Federal Street, spoke to the Committee and submitted the petition which includes 67 names opposing the development as previously noted. Mr. Webb then spoke on the reasons why the persons who signed this submission are in opposition to this application.

Mr. William Fleet, 6 Federal Street, and Mr. Millett, 411 Berkindale Drive, both spoke in opposition to the application.

Mr. Terance Morrison, agent for the owners of the properties spoke on why the application should be approved. He added that he does not feel that the height of the proposed building is an issue and further elaborated on the aspects of the staff report that they disagree with.

The Committee then discussed this matter and approved the following denial recommendation:

18. (A) That Zoning Application 89-77, 766284 Ontario Ltd., (F. Kumoi) owner, requesting changes in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs etc.) District modified (Block "2"), to permit the construction of a 12 storey, 106 unit apartment building, for the property located north of Queenston Road and west of Grays Road, as shown on the attached map marked as Appendix "E", be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that the height and bulk of development would not integrate with the surrounding area, and is incompatible with the existing and proposed uses.
- (b) It conflicts with the intent of the approved Riverdale East Neighbourhood Plan which designates the lands "Commercial-Special Provisions." In this regard, it is intended that these lands be developed with the commercial lands fronting on Queenston Road.
- (c) It represents an overintensification in land use, in that the proposed development would have a floor area ratio (F.A.R.) of 3.1, whereas the maximum permitted under the "E" district regulations is 1.7. The development, would yield approximately 216 units per hectare (90 units per acre) which is considered as high density development.
- (d) The applicant proposes to use a portion of the subject lands for 12 of the 24 required parking spaces for Northside Plaza (located to the south of the subject lands). This arrangement is unsuitable, in that the plaza will no longer be able to meet By-law requirements and it is contrary to the Zoning By-law which prohibits access for a commercial development within a residential district.

- (B) That the City Clerk be authorized to notify the City of Stoney Creek of City Council's decision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-81 for property at 130 Bay Street South (St. Mark's) (Hamilton) Non-Profit Housing Inc.

ZA-89-81 - 130 Bay Street
South (St. Mark's Church)

Report of the circularization was given as follows: 1236 notices sent, 76 in favour, 103 opposed.

The Committee was also in receipt of the following letters of submission:

- a) Robert S. Johnston, Q.C., Johnston and Peart, on his own behalf
- b) L. A. Prociuk, Chair, Task Force on St. Mark's Church, Durand Neighbourhood Association Inc.
- c) Marie Stock, 412 - 121 Hunter Street West
- d) Petition from numerous persons within the area in opposition to the application
- e) Robert Westbrook, 125 Bold Street, Apt. 31

Mr. Trevor Garwood-Jones, Architect for this project spoke to the Committee on why the application should be approved.

Mr. R. S. Johnston, 136 Bay Street South spoke in opposition to the application and indicated that there is an overintensification already in the area. He added that he is not opposed to offices but is opposed to an apartment building. He added that the vacant land is needed as parkland for the area and that the building is historic.

Mr. Peter Hill, representative of the Durand Neighbourhood Association spoke briefly and introduced the Task Force which was established by the Durand Neighbourhood in June to review the development of this project. He added that they support the goals of the church but not the specific application.

Ms. Prociuk, Chair of the Task Force set up by Durand Neighbourhood to review the St. Mark's church property spoke. She read her letter of submission on this issue dated 1989 November 29 which had been submitted to the Committee. She added that Durand supports the goals of the church to provide affordable housing, but feels that the proposal is too dense and is inappropriate for the area. She feels that the church building could be used for community service.

The Committee then discussed this matter at some length and approved the following denial recommendation:

That Zoning Application 89-81, St. Marks (Hamilton) Non-Profit Housing Inc. prospective owner, requesting a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit a 10 storey, 48 unit non-profit apartment building, and conversion of part of the existing church building to office use for the Anglican Church-Niagara Diocese, and part for a chapel for property located at 130 Bay Street South, as shown on the attached map marked as Appendix "F" be DENIED for the following reasons:

- (a) The proposal does not comply with the intent of the Official Plan in that the scale, density and bulk of development would be incompatible with the established character of development in this area. Furthermore, the office component cannot be considered as a permitted use within the Residential designation, because it does not primarily depend upon pedestrian access, nor does it serve the needs of the immediate neighbourhood.
- (b) The proposal does not comply with the intent of the approved Durand Neighbourhood Plan which designates the site for "Civic and Institutional" use.
- (c) The proposal conflicts with the intent of the Central Area Plan (O.P.A. 66) which encourages the location of commercial offices in the Downtown Core.

- (d) The proposal represents an over-intensification of use, in that the proposed floor area ratio (3.77 or 5 318.0m²) is approximately 2.2 x greater than what is permitted under the established "E-3" District zoning (1.7 or 2 394.45m²). In addition, the required variances for yards, landscaping, etc. are further indications of over-intensification.
- (e) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan, Neighbourhood Plan and Zoning By-law; and
- (f) It would result in only partial preservation of a listed building of architectural and historical interest.

Tiffany Block

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Tiffany Block - bounded by Barton, Tiffany, Stuart and Bay, Central Neighbourhood Plan Amendment.

The Committee was also in receipt of a letter of submission on this matter from Albert Lieberman, President, Hamilton Iron and Metal Company, advising that his company is opposed to the plan to change the block from industrial to commercial to medium density apartments.

Mr. McGibbon, Architect for the proposed project showed several concept drawings to the Committee on what they propose to build on this site and answered questions from the Committee on this matter.

Mr. Stuart Farwell, General Manager, Rheem Canada spoke in opposition to the plan. He advised that if approved, Rheem would be confronted with complaints from new neighbours who would be abutting their industry. He added that he is concerned at the timing of the project and that more time is needed for the perimeter road plans and more planning on the redevelopment of the area if needed. He feels that the redevelopment will happen in time but shouldn't be pushed forward prematurely.

Helen Kirkpatrick, 192 Bay Street South spoke to the Committee and added that she is not opposed to an increase in residential homes in the area. She is, however, concerned at where the perimeter road is going and also the widening of Bay Street. She questioned that if the plan is approved now whether her home will be faced with expropriation.

Mr. Ted Gill of the Regional Engineering Department spoke on the proposed perimeter road as it relates to the Bay Street area affected by the proposal.

Following discussion on this matter by the Committee, the following recommendation was approved:

- (a) That the Central Neighbourhood Plan be amended to change the Tiffany Block from "Commercial-Industrial" to "Medium Density Apartments" with special policies shown on Map 1, attached herewith and marked Appendix "G".
- (b) That the necessary Official Plan amendment and the Zoning By-law amendment (Application ZA-88-98) be held in abeyance pending:
 - (i) The completion of a noise impact study to the satisfaction of Council; and,
 - (ii) The completion of decommissioning plan for the auto wrecking site to the satisfaction of the Ministry of the Environment.

The Mayor also requested that staff should meet with Rheem Canada and the Ward Aldermen to review their concerns with respect to this proposal.

Wednesday, 1989 November 29

- 13 -

Planning and Development Committee

There being no further business the meeting then adjourned.

Adjournment

Taken as read and approved,

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder
Secretary
1989 November 29

FOR INFORMATION

2a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 December 21
COMM FILE:
DEPT FILE: 50.13.8
(4504)

SUBJECT: City Initiative - Plan of Subdivision - Wheten Court

BACKGROUND:

In adopting Item 7 of the 12th Report of the Transport and Environment Committee, City Council on August 30, 1988 approved the authorization to develop a residential subdivision on the City's Public Works Yard at Mohawk Road East and Warren Avenue.

The attached plan shown as Schedule "A" was the proposed plan at that time.

Subsequently, the Planning Department reviewed the plan and were able to redesign the plan to produce two extra lots (\$160,000.00 current market value) plus saving approximately \$48,000.00 in servicing costs by eliminating the court at Norrie Avenue.

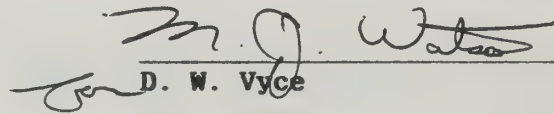
The revised plan shown as Schedule "B" was forwarded to the Planning and Development Committee and was eventually adopted and approved by City Council on March 28, 1989.

This past Tuesday, Alderman Merling advised that he does not agree that the lots front on Mohawk Road as the seven lots will have individual driveways having access to a heavily travelled thoroughfare. In addition, the services would require seven cuts into Mohawk Road East. In essence, the Alderman prefers the original Plan ("A").

Our response to Alderman Merling's concerns were that the adjoining residential homes on both sides of Mohawk Road East all have access to Mohawk Road and that the City's development was in conformity with the existing neighbourhood.

In discussing the servicing concerns, we were advised by the Engineering Department that the Region could take a four metre easement across the frontage of the seven lots to Warren Avenue. This would avoid cutting Mohawk Road East and possibly save some costs to the City.

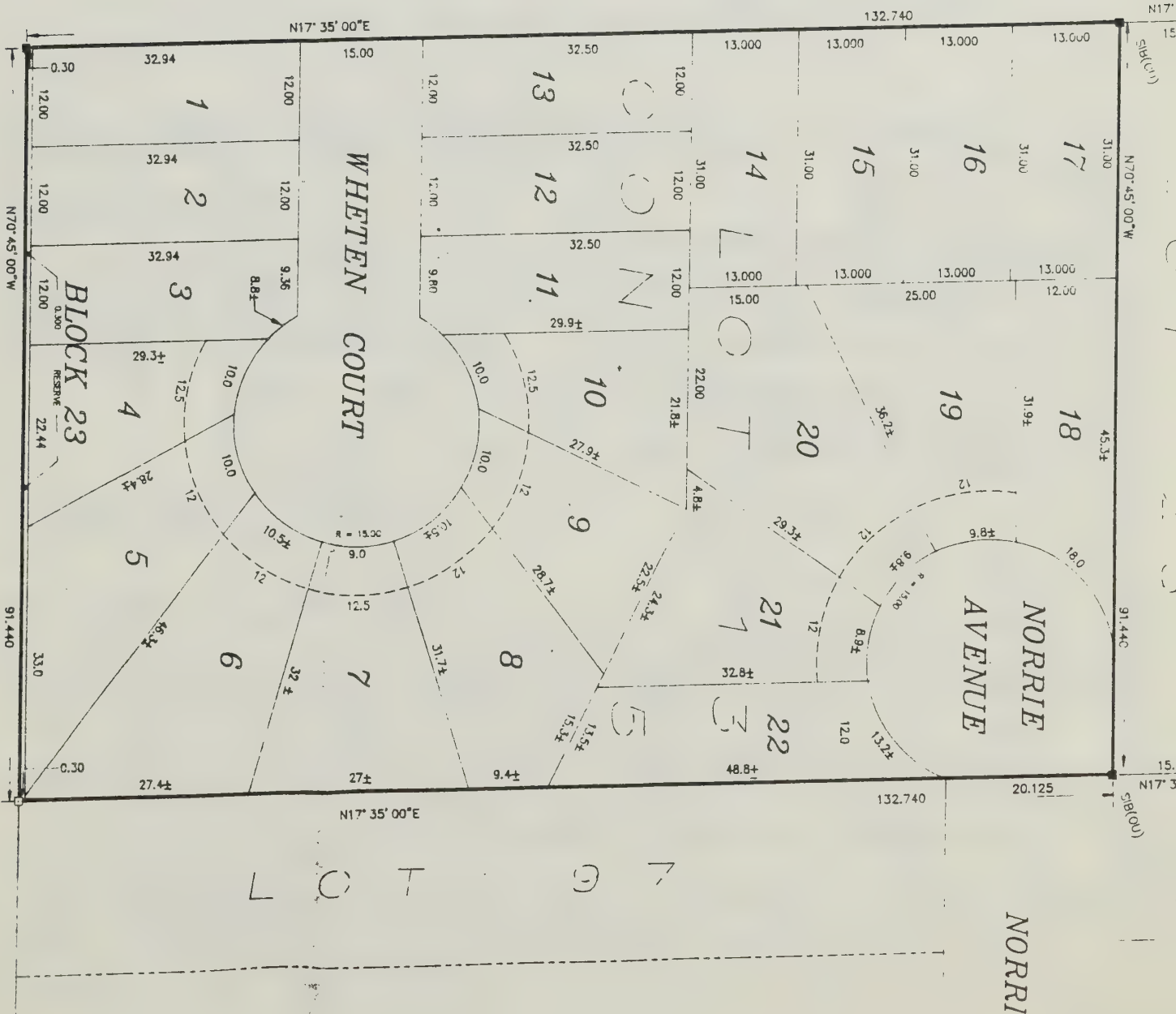
Notwithstanding the above comments, if it is the wish of City Council to revert back to the original plan of subdivision, we are prepared to proceed on that basis, of course, but will require authorization from Council as Council has formally endorsed Plan "B".


D. W. Vyce

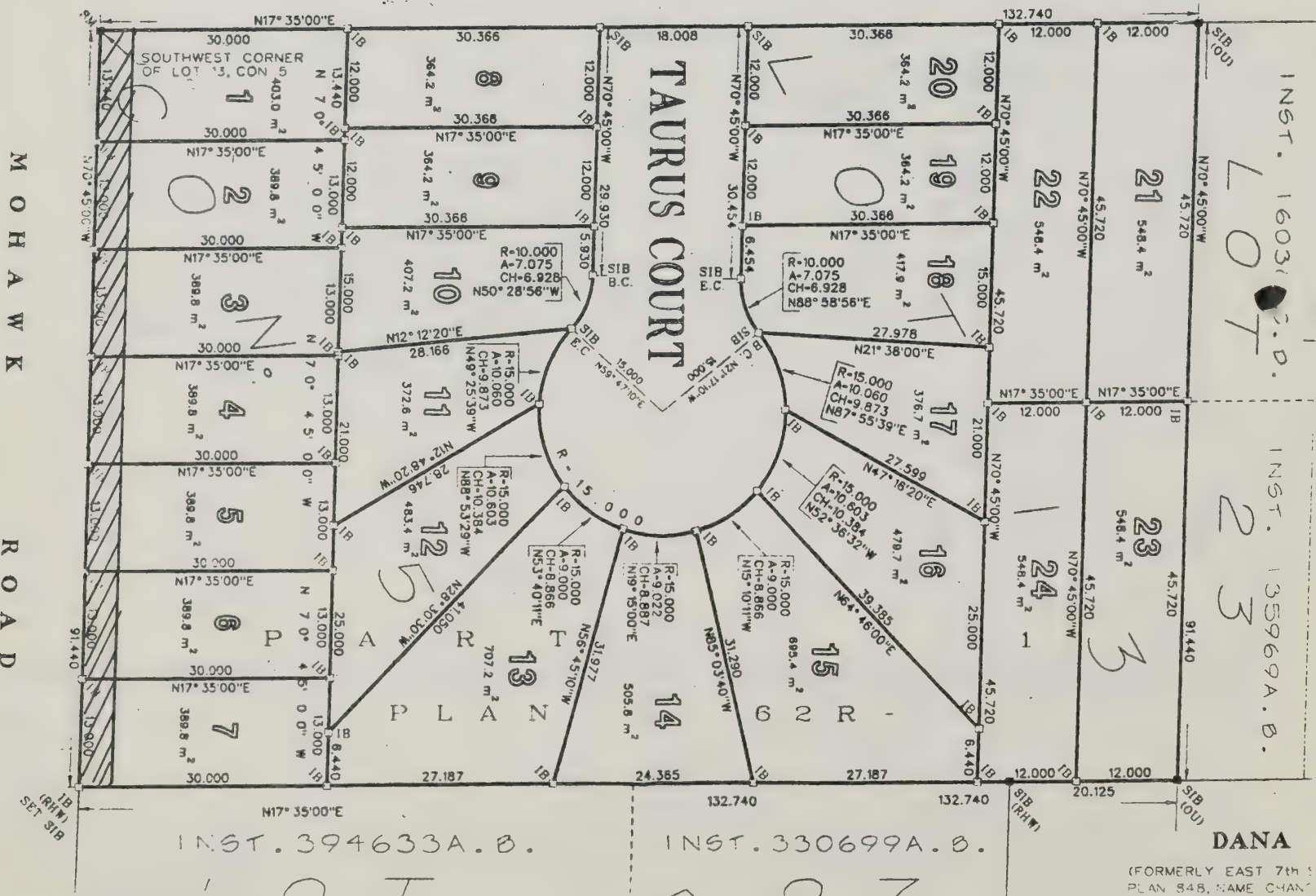
- c.c. - Alderman H. Merling
- Alderman J. Gallagher
- Mr. L. Sage, Chief Administrative Officer
- Mr. A. Georgieff, Director of Local Planning
- Mr. G.S. Spencer, Regional Commissioner of Engineering
Attention: Mr. K. Brenner
Attention: Mr. R. Douglas

A V E N U E

N17'



(ESTABLISHED BY BY-LAW No. 9861, REG'D AS INST. 216420H.L.)



3.

FOR ACTION

REPORT TO: MRS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

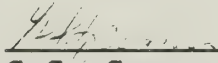
DATE: December 18, 1989
COMM FILE:
DEPT FILE: S705-24

SUBJECT

"ELEANOR HEIGHTS ADDITION-PHASE ONE", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of \$3,900.00 as cash payment in lieu of 5% parkland dedication in connection with "Eleanor Heights Addition-Phase One", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



G.S. Spencer
Commissioner of Engineering

FINANCIAL CONSIDERATIONS

N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Plan is attached for your information.

In accordance with normal City procedures, staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the Subdivision Agreement has been calculated to be \$3,900.00.

Note: These lands are located north of Rymal Road and east of Eleanor Avenue in the Eleanor Neighbourhood, Hamilton.

DVC:lm

cc: D. Consoli, City Treasury Department
cc: L. Farr, City Solicitor's Department

[illegible]

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

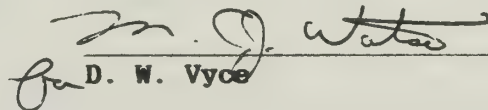
FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 December 14
COMM FILE:
DEPT FILE: 20.1.262
(2738)

SUBJECT: Release of Building Covenants - James Miles
1154 Rymal Road East, Hamilton, Ontario -
Lot 4, Plan 62M-352
Hamilton Mountain Industrial Park No. 3 -

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 1154 Rymal Road East, Hamilton, Ontario, to release the property from the construction covenants to the City as contained in deed instrument # 205947 LT, registered July 30, 1987.


D. W. Vyce

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 26(a) of the 13th Report of the Planning and Development Committee, City Council on June 23, 1987 authorized the sale of Lot 4, Registered Plan 62M-352, to James Miles. The transaction was completed on July 30, 1987. On December 4, 1989, the proposed building was completed.

This department supports the request of the owner that the City of Hamilton release the construction covenants contained in deed number 205947 LT in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. - Mr. P.R.A. Hooker, Acting City Solicitor

FOR ACTION

5.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT


DATE: 1989 DECEMBER 11
COMM FILE:
DEPT FILES: R.P.L.C. #57

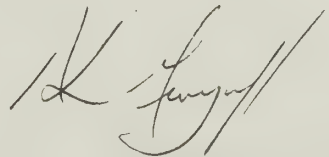
SUBJECT

By-law to remove part-lot control from Holland Avenue and Parcel "B", the one foot reserve, R. P. No. 909.

RECOMMENDATION

1. That the City of Hamilton adopt the attached by-law to remove part-lot control from Holland Avenue and Parcel "B", Registered Plan No. 909.
2. That the City Solicitor be directed to check and submit the attached by-law to the Council of the City of Hamilton.
3. That the Region be requested to approve the by-law removing part-lot control on the above-noted parts of Registered Plan No. 909.
4. That the by-law not be registered prior to the registration of Aquino Gardens, Phase 1 (25T-88014).
5. That the by-law be repealed within 6 months of the date of its registration.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

Adisco Limited, Hamilton, Ontario

Agent

Agro, Zaffiro, Parente, Orzel and Baker, Barristers & Solicitors, Hamilton, Ontario

Surveyor

MacKay, MacKay and Peters, Hamilton, Ontario

Location

The lands are located south of Stone Church Road East and west of Beaverton Drive in the Butler Neighbourhood, City of Hamilton.

BACKGROUND

The applicant wishes to merge part of the lands involved in this application with lots to the south, as recommended for approval by Regional Council on November 15, 1989 for Aquino Gardens (File No. SA-88-10, Regional File No. 25T-88014).

Parts 1 and 2,
23 and 24,
25 and 26,
27 and 28,
29 and 30,
31 and 32,
33 and 34,

of Reference Plan 62R-10568 will be merged respectively with proposed Blocks and Lots:

Block "35",
Block "34",
Lot 21,
Lot 22,
Lot 23,
Lot 24,
Lot 25,

of Aquino Gardens, Phase 1.

The solicitor for the applicant advised that Parts 2, 23, 26, 27, 30, 31 and 34 on Plan 62R-10568 are not yet owned by Adisco Limited. These parts are currently part of Holland Avenue and are owned by the City of Hamilton.

At this time these parts are subject to a road closure application.

Parcel "B" (Parts 1, 24, 25, 28, 29, 32 and 33 on Plan 62R-10568) is owned by Adisco Limited.

The solicitor for the applicant advised further that the remaining lands, namely, Parts 3, 4, 5, 6, 15, 16, 17, 18, 19, 20, 21 and 22 will be merged with the lands of owners to the north respectively.

Parts 7, 8, 10, 11, 12, and 14 will become a 0.3m reserve and Part 9 will become the northerly extension of Butler Drive.

Parts 35 and 36 will merge with lands owned by Adisco Limited, the owner adjoining these parcels to the east.

The solicitor has requested that consideration be given to extend the six month time limitation usually recommended. In this case it would not be acceptable to register the by-law prior to the registration of Phase 1 of Aquino Gardens (25T-88014).

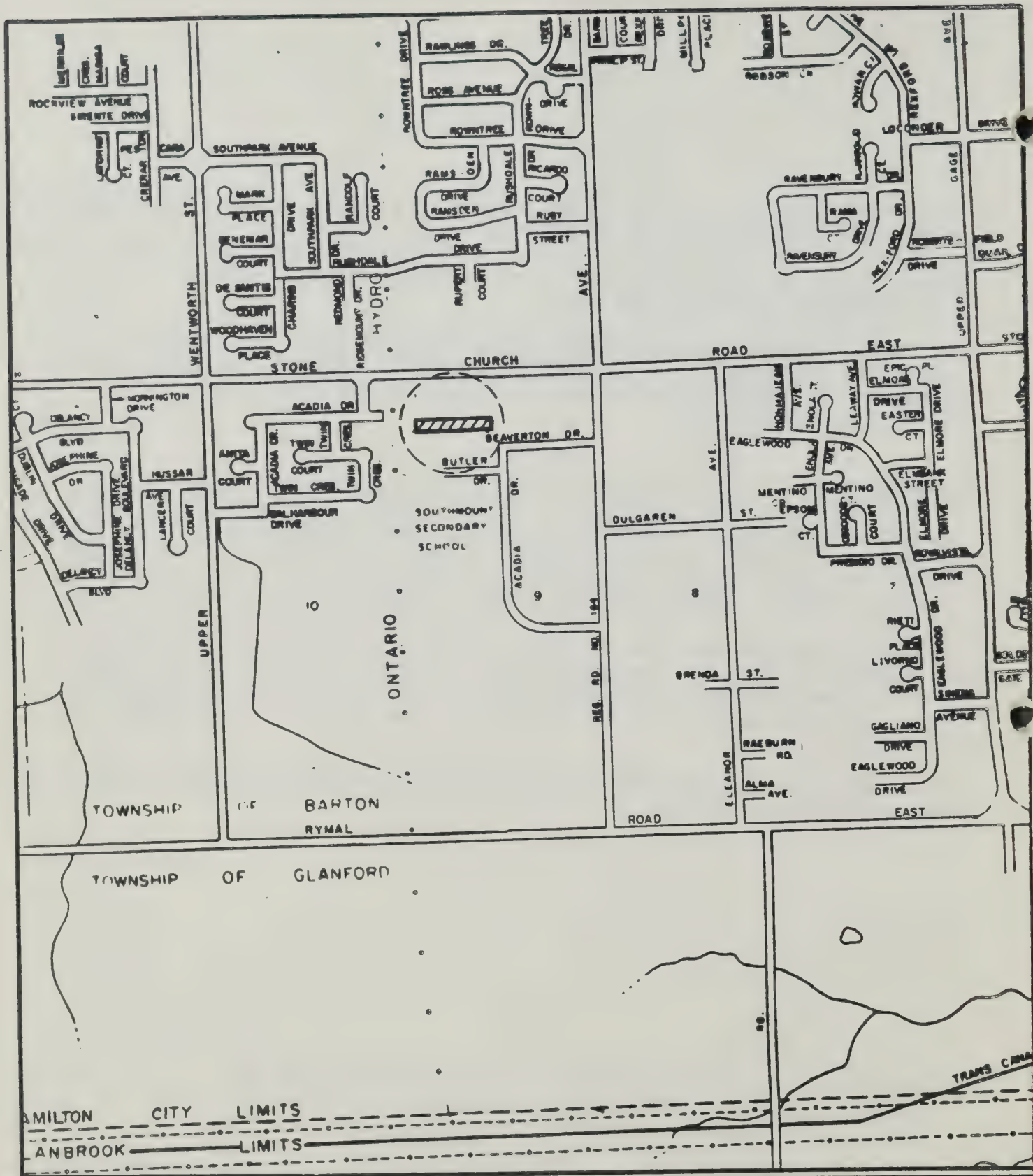
COMMENTS

Removal of "part-lot control" is a measure provided under The Planning Act expressly to permit the establishment of minor divisions of land without having to obtain approval of each individual parcel by the Land Division Committee, thereby eliminating the need for a number of separate applications.

Once the reference plan showing the minor divisions has been registered and the deeds for the lots are registered with the adjoining property owners, part-lot control should be re-established. The Planning Act allows the City of Hamilton to repeal "part-lot control" by-laws without further approval of the Regional Council.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered by the City Clerk in the Land Titles Office.

JLS/jd



Location Plan For

PLAN OF SURVEY
OF
HOLLAND AVENUE
AND
PARCEL 'B' (11' RESERVE)
HOLLAND SURVEY
REGISTERED PLAN N^o 909
IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



R. P. L. C. N° 57

North



Scale

1" = 1000'

Date

NOV. 27, 1989

Reference File No.

Drawing No.

PLAN OF SURVEY
 PARCEL 8 (11 ACRES)
 REGISTERED PLAN 62R-006
 CITY OF HAMILTON
 HAMILTON, ONTARIO
 SCALE 1:1000
 DRAWN BY: J.A.

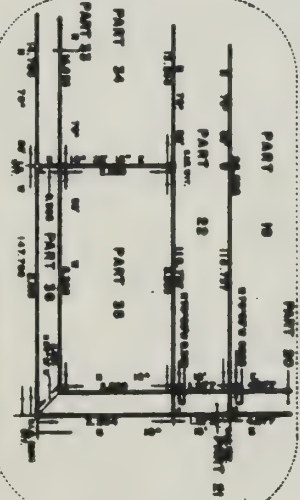
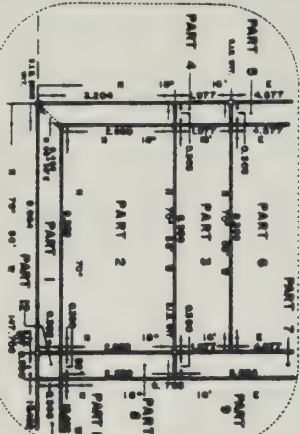
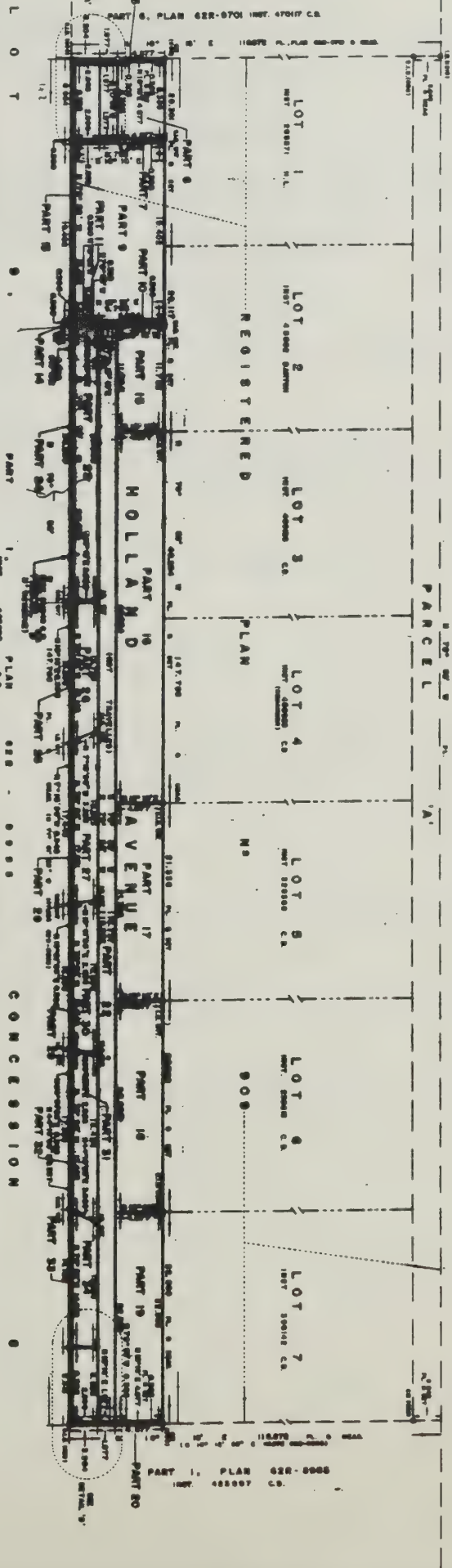


REGISTERED PLAN 62R-006

STONE CHURCH CONCESSIONS ROAD AND EAST

Lot	Area (Acres)	Owner
1	0.1100	City of Hamilton
2	0.1100	City of Hamilton
3	0.1100	City of Hamilton
4	0.1100	City of Hamilton
5	0.1100	City of Hamilton
6	0.1100	City of Hamilton
7	0.1100	City of Hamilton
8	0.1100	City of Hamilton
9	0.1100	City of Hamilton
10	0.1100	City of Hamilton
11	0.1100	City of Hamilton
12	0.1100	City of Hamilton
13	0.1100	City of Hamilton
14	0.1100	City of Hamilton
15	0.1100	City of Hamilton
16	0.1100	City of Hamilton
17	0.1100	City of Hamilton
18	0.1100	City of Hamilton
19	0.1100	City of Hamilton
20	0.1100	City of Hamilton
21	0.1100	City of Hamilton
22	0.1100	City of Hamilton
23	0.1100	City of Hamilton
24	0.1100	City of Hamilton
25	0.1100	City of Hamilton
26	0.1100	City of Hamilton
27	0.1100	City of Hamilton
28	0.1100	City of Hamilton
29	0.1100	City of Hamilton
30	0.1100	City of Hamilton
31	0.1100	City of Hamilton
32	0.1100	City of Hamilton

PLAN 62R-10568
 RECEIVED AND RECORDED
 1982, 09 22
 J. A. [Signature]
 CLERK OF THE COURT
 HAMILTON, ONTARIO



LEGEND:
 1. [Symbol] [Description]
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 31. [Symbol] [Description]
 32. [Symbol] [Description]

MAKAY, MAKAY & PETERS LIMITED
 ONTARIO LAND SURVEYORS
 (ESTABLISHED 1906)
 1170 KENNEDY ROAD
 MISSISSAUGA, ONTARIO L4V 1N1
 TELEPHONE: (416) 298-1911
 TELEFAX: (416) 298-0778

The Corporation of the City of Hamilton

BY-LAW NO. #

To Remove

PART OF HOLLAND AVENUE AND PARCEL "B"

REGISTERED PLAN OF SUBDIVISION/R. P. No. 909

FROM PART LOT CONTROL

WHEREAS subsection 7 of section 49 of The Planning Act, 1983, Chapter 1 provides as follows:

- (7) Despite subsection (5), the council of a municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land,....

AND WHEREAS subsection 5 of section 49 of The Planning Act establishes part-lot control of land within a registered plan of subdivision;

AND WHEREAS authority to approve by-laws enacted under subsection 7 of section 49 of The Planning Act was delegated to the Council of the Regional Municipality of Hamilton-Wentworth by O. Reg. 443/75.

AND WHEREAS it is desirable to exempt certain lands from part-lot control.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 49 of The Planning Act, 1983, Chapter 1, shall not apply to the following lands:

Part of Holland Avenue and Parcel "B", as included in R. P. No. 909, registered on the 18th day of March, 1953.

PASSED this

day of

A. D. 19 .

City Clerk

Mayor

The Corporation of the City of Hamilton

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PASSED this

day of

A. D. 19 .

City Clerk

Mayor

6.

FOR ACTION

REPORT TO: Susan Reeder, Secretary,
Planning and Development Committee

DATE: December 20, 1989

COMM. FILE

DEPT. FILE P5-4-35

FROM; J. D. Thoms, Commissioner
Planning and Development Department

SUBJECT

Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road) - Final Recommendations.

RECOMMENDATIONS

That the Planning and Development Committee recommend to Council that:

1. Approval be given to Official Plan Amendment No. to:
 - a) redesignate lands on the west side of Centennial Parkway, between the Q.E.W. interchange and the railway tracks (including the Signature Inn, retail plaza and the Pines Motel and restaurant) from "Industrial" to "Commercial", and remove from Special Policy Area 11 (Light Industrial Uses);
 - b) redesignate lands on the east side of Centennial Parkway, north of Barton Street (including the two car dealerships and service station) from "Industrial" to "Commercial", remove from Special Policy Area 11 and placed in a new Special Policy Area limiting commercial development to those uses which support tourism and cater to the travelling public, such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs, and similar uses;
 - c) designate all lands within the study area (as shown on attached map - Land Uses Concept) as a "Community Improvement Area", as shown as Schedule "H" of the Official Plan;

- d) incorporate a new policy into the Official Plan recognizing the railway's concerns regarding development adjacent to their lands and directing any future proponents for development/redevelopment to consult with CN regarding drainage, fencing and setbacks; and,

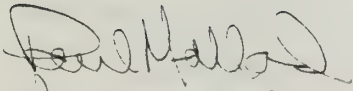
the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

2. The Planning and Development Department be directed to initiate discussions with the owners of the lands on the east side of Centennial Parkway, north of Barton Street (two car dealerships and service station) for the purpose of ascertaining their intentions for the development/redevelopment of their lands and their receptiveness to initiate rezonings consistent with the Official Plan amendment noted in #1 above.
3. Neighbourhood Plans be prepared/amended on the basis of the following:
 - a) Kentley and Riverdale West Neighbourhood Plans be amended for those lands fronting onto Centennial Parkway between Barton Street and Queenston Road in accordance with the Land Use Concept (attached); and,
 - b) Neighbourhood Plans be prepared for those portions of Lakely and Nashdale Neighbourhoods fronting onto Centennial Parkway, between the Q.E.W. and Barton Street, in accordance with the Land Use Concept (attached). Special policies recognizing CN's concerns should be recognized for those lands adjacent to the railway line.

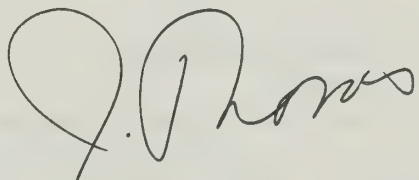
In conjunction with the revision/preparation of these Neighbourhood Plans, urban design guidelines should be established for the entire area and should reflect the concepts articulated in Section 3.0 of the Study.

4. Site Plan Control By-laws No. 87-223 and 79-275 be amended to include those lands within the Study Area (see attached map) not now covered by Site Plan Control.
5. The actions and priorities as detailed in Table II - Implementation Strategy - Design Improvements (attached, Appendix 5) be endorsed, and staff be directed to coordinate their implementation with other departments and agencies.
6. The Planning and Development Department, in conjunction with the Community Development Department and the Region's Economic Development Department, be directed to:
 - a) liaise with the local business people, land owners, etc., in an attempt to establish a local business association for some or all of the study area; and,
 - b) in conjunction with a) above, identify an area theme for promotional purposes.

7. The Region's Engineering Department be advised that with respect to the draft Regional Signage Study, that:
- a) the Province be requested to consider signing the Centennial Parkway interchange on the Q.E.W. as "Hamilton";
 - b) the Province be requested to consider identifying Centennial Parkway as an alternate route to downtown Hamilton; and,
 - c) trail blazer signs be provided for Confederation Park and Wild Water Works.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road) was initiated at the request of the Planning and Development Committee and the Executive Committee to study:

- "Ways and means of improving the promotion of the hospitality industry in the City." and,
- "The present and proposed zoning and development of properties fronting on Highway 20 . . . to ensure maximum benefits to the City as a growth area."

Accordingly, the Gateway East Study was undertaken. Its findings were reviewed by the public at an Open House on August 9 and 10, 1989, and a Public Meeting of the Planning and Development Committee on September 13, 1989.

As a result of the public input and comments received from various departments and agencies, the study findings have been refined and the final recommendations prepared for Committee and Council consideration.

BACKGROUND

The Planning and Development Committee, at its meeting of June 14, 1989, directed staff to schedule an Open House and Public Meeting to present the proposals of the Gateway East Study to the public.

Accordingly, two Open Houses were held on August 9 and August 10, 1989, at Eastgate Square, and a Public Meeting of the Planning and Development Committee was held on September 13, 1989. At this meeting, the Committee directed staff to "review all input received from the public, and the comments of the Traffic Department, and prepare final recommendations on the study proposals for the Committee's consideration at a future meeting".

COMMENTS FROM THE PUBLIC

Comments received from interested residents and area business persons as a result of the Open House include:

- "Pleased to see the City was going to do something to improve the appearance of the street."
- "More sidewalks are needed and their installation should be given high priority."
- "Pleased that more suitable uses are being proposed for the Waxman property. Heavy industrial uses are not appropriate in that location."
- "Would a low-rise office building on the west side of Centennial Parkway north of Barton Street be suitable vis-a-vis the study findings?"

In addition, two letters were received in response to the public notice and Open Houses (see Appendix I attached). Following is a summary of the letters and a response.

1. From: R. G. Wilson
Hamilton Paper Box Company
65 Cascade Street
Hamilton, Ontario

Comments and Concerns:	Proposes that Cascade Street, which at present is dead-ended at the east property line of the vacant 10-acre parcel on the east side of Centennial Parkway (north of Barton Street), be extended westerly to intersect with Centennial Parkway. This is suggested in the context of a potential increase in traffic, should further development in the area take place.
------------------------	---

Response:

The Committee dealt with a rezoning application for this vacant 10-acre site on December 13, 1989. The proposal to develop these lands precludes Mr. Wilson's suggestion to extend Cascade Street westerly to intersect with Centennial Parkway. A site plan submitted by the applicant for this proposal indicates that they are requesting access to this site from Cascade Street. It should be noted that the Committee, on December 13, 1989, directed staff to review the traffic situation on Cascade Street in response to Mr. Wilson's verbal submission.

2. From: J. C. Walsh
Operations Services
CN Rail

Comments and Concerns:

Expresses concern regarding proposed uses adjacent to the rail line, including such "places of assemblage" as theatres, medical centres and large commercial centres. They recommend that future development adjacent to the railway address the following:

- 1) any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the railway and be substantiated by a drainage report to the satisfaction of the railway;
- 2) surface runoffs from the site must be constrained to predevelopment levels under the more severe of a Regional or 100 year storm conditions;
- 3) the applicant must install and maintain at his own expense, a chain link fence of a minimum of 1.8 m (6 feet) in height along the mutual property line; and,
- 4) proponents should endeavour to provide a building setback of 30 m from the right-of-way.

They recommend that these requirements be incorporated into the study recommendations. They also note that the railway should be advised in advance of any alterations being proposed in the existing crossing of Centennial Parkway and the Grimsby subdivision.

Response:

The provisions the railway are requesting are detailed in nature, and most adequately addressed at the rezoning and site plan stage. It would appear appropriate, however, to incorporate a general policy statement in the Official Plan recognizing the railway's concerns, and directing any future applicants proposing to develop or redevelop lands adjacent to the railway tracks to consult with CN regarding drainage, fencing and setbacks. In addition, the Study should also be revised to recognize the specific requirements noted above, by appending CN's letter to the Study. Special policies could also be recognized in general terms in the Neighbourhood Plans.

TRAFFIC DEPARTMENT'S COMMENTS

The Traffic Department has expressed the following concerns (see attached Appendix 2) regarding the proposals from the Gateway East Study:

- this portion of Centennial Parkway "... is one of the most congested roadways in the City". The area north of Barton Street "... exhibits one of the highest accident occurrence rates in the City." In addition, it is not anticipated that there will be any "...substantial improvement to this poor traffic condition until volumes are substantially reduced (possibly when the north-south freeway is operational) or additional through lanes are provided along Centennial Parkway...";
- "...while we support an intensification of tourist related features in the Confederation Park area and the recognition of existing uses along Centennial Parkway, we cannot support any substantial intensification of uses along Centennial Parkway, particularly with respect to tourist related facilities";
- in response to the proposed Business/Commercial uses proposed by the study for the Waxman property (east side between the railway tracks and the Q.E.W.), the Traffic Department states that "...it would generate a substantial volume of traffic which could not be readily accommodated." The situation at this location is further complicated by "...proposed interchange modifications at the Q.E.W." (by the Ministry of Transportation) "which will likely result in the installation of traffic signals slightly north of the existing access points ...if the site were to redevelop, we could only support uses which would generate a low traffic volume from the entire site. We, therefore, recommend the retention of the existing industrial designation on this property." It was indicated, however, that the Department would be willing "...to review any site specific development proposal which would seek to provide some of the facilities that [the] study wishes to promote while not introducing substantial volumes of new traffic to the area."; and,

- o suggests that once the north-south/east-west freeway facility is operational "...that it will be the route of choice from the Q.E.W. to eastern Hamilton and to the connecting east-west routes of Barton, Queenston and King." On this basis, there appears to be a question of the "...continued suitability of Centennial Parkway as a tourist-oriented route."

Response to Traffic Departments Comments

On the basis of the Traffic Department's comments on the Waxman property, it appears that the Study's proposal for Business Park/Commercial in this location is no longer appropriate. On this basis, these lands will remain designated "Industrial" and within Special Policy Area #11 (Light Industrial) in the Official Plan.

With respect to the Traffic Department's comment that tourist related uses on Centennial Parkway may be no longer appropriate once the north-south/east-west freeway facility is operational, the following should be noted:

- tourists will still want to get to uses established on Centennial Parkway eg. Confederation Park, Eastgate Square, Signature Inn, etc.;
- directing tourists to two exits for different reasons is acceptable; and,
- Centennial Parkway also provides easier access to Stoney Creek, as well as destinations along Hwy. 20 and Hwy. 56.

Therefore, it is felt that it is still valid to promote tourist related uses along Centennial Parkway.

ZONING APPLICATION ZA-89-38

Planning and Development Committee, at its meeting of December 13, 1989, approved the following recommendation with respect to Zoning Application ZA-89-38:

- "1. That approval be given to Official Plan Amendment No. to redesignate the subject lands from "INDUSTRIAL" to "COMMERCIAL", to delete the lands from Special Policy Area 11, and to establish a new Special Policy Area to limit the types of Commercial uses, and that the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to an amended Zoning Application 89-38, Landawn Shopping Centres (National) Limited, prospective owner requesting a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit the construction of a one storey, 9,950 m² shopping centre (i.e. Home Design Centre), for the lands located south of the C.N.R. Railway Tracks, east of Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis..."

The Gateway East Study recommends the following for this property:

- redesignate from "Industrial" to "Commercial" in the Official Plan, and remove from Special Policy Area #11 (Light Industrial Uses). Incorporate into a new Special Policy Area which will encourage recreational/entertainment/accommodation uses recognizing the potential for such uses in close proximity to the Queen Elizabeth Way interchange and Confederation Park; and,
- develop extensive landscaping along the Centennial Parkway frontage to complement the green space at Confederation Park and any future improvements to be made at the railway bridge. Provision should be made for sidewalks.

With the exception of the bowling alley, billiard hall, offices, hotel and restaurant, the uses requested in this application are largely retail in nature, and are not the type of recreation/entertainment/accommodation uses envisaged for this area by the study. Notwithstanding, these latter group of uses, if developed, may attract other uses to develop/redevelop in the area, which are consistent with the study recommendations. In addition, the development of these lands which have remained vacant, will improve the area's overall image, and may encourage nearby properties to upgrade their appearance as well.

On the basis of the foregoing, it is appropriate to modify the study recommendations for these lands, in accordance with the Committee's recent recommendations on this property.

SUMMARY AND CONCLUSIONS

Based on the foregoing analysis, three modifications to the study's original recommendations (see Appendix 3, attached) should be made:

- incorporate a general policy into the Official Plan and Neighbourhood Plans (Lakely and Nashdale) recognizing the railway's concerns and directing any future proponents for development/redevelopment adjacent to the railway tracks to consult with CN regarding drainage, fencing and setbacks;
- modify the recommendations for the vacant 10-acre parcel on the east side of Centennial Parkway, north of Barton Street, in accordance with the Committee's recent recommendations on ZA-89-38; and,
- change the recommendations for the Waxman property (east side, between the railway tracks and the Q.E.W.) from "Business Park Commercial" to "Light Industrial" and further, that no change be made to the Official Plan for this property.

On the basis of the foregoing, the Committee should recommend to Council that the recommendations of the Gateway East Study be adopted as modified (See Appendix 4, attached), and the required Official Plan Amendment be adopted.



CF:CS

Attach.

Gateway East



APPENDIX 1



AUG 8 1989

July 27, 1989.

Secretary of the Planning & Development Committee,
Corporation of the City of Hamilton,
City Hall,
71 Main Street West,
Hamilton, Ontario. L8N 3T4

RE: "Gateway East"

Dear Sirs:

We have received your "Notice of Public Meeting" and attached material dated July 21, 1989, and would like to submit the following recommendation.

Cascade Street, which presently ends at the proposed light industrial area, be continued westward to access Centennial Parkway. There should be further light industrial development on vacant lands presently on Cascade Street and if you add to this new industrial development, you could create a serious traffic problem on Cascade Street and on the corner of Covington and Barton Streets which would be the main access for all of this industrial traffic.

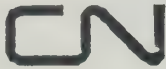
Continuing Cascade Street through to Centennial Parkway with a traffic light at this location would relieve congestion presently found at the corner of Centennial and Barton Streets.

Sincerely,

HAMILTON PAPER BOX COMPANY LIMITED,

RGW/md

R. G. Wilson,
President.



Operations Services -S.O.D.
Suite 404,
277 Front St. W.
TORONTO, Ontario
M5V 2X7

9 August 1989

Your File: P5-4-35

Our File: 4500-H-08

City of Hamilton
Planning and Development Committee
City Hall
HAMILTON, Ontario
L8N 3T4

'AUG 11 1989

Attention: Susan Reeder
Secretary

Dear Sir/Madam

Re: Proposed Gateway East - Centennial Parkway Area Study

This refers to your notice dated 21 July 1989 concerning the subject matter.

As you may well know, both CN and CP Railways have noise, vibration and safety requirements for new residential developments when adjacent to railways. However, other types of developments are being requested to address such measures, particularly a safety berm and building setbacks. To-date, primarily "places of public assemblage" such as schools, theatres, medical centres and large commercial centres are recommended to incorporate such measures. For medium and heavy industrial uses we are not as concerned.

In general we ask that the safety component of our residential standards be addressed for places of public assemblage. Developments adjacent to our main corridors within Hamilton would require a 2.5 metre high berm, a 30 metre setback and 1.83 metre high chain link fencing.

In addition, we recommend that any adjacent development address our concerns as follows:

1. Any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

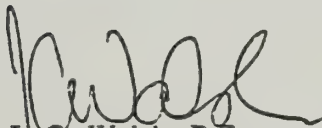
2. Surface runoff from the site must be constrained to pre-development levels under Regional or 100 year Storm conditions, which ever is most severe
3. The Applicant must install and maintain at his own expense, a chain link fence of minimum 1.8 metre (6 feet) height along the mutual property line.
4. Proponents should endeavour to provide a building setback of 30 metres from the Railway right-of-way.

We recommend that the City include a statement in the proposed study referring to our requirements noted above.

Please note that this office must be advised in advance should any alterations at the existing crossing of Centennial Parkway and our Grimsby Subdivision be proposed.

We trust this will clarify our position as it applies to all industrial/commercial developments proposed adjacent to our operated right-of-way.

Yours truly



J. C. Walsh, P.Eng.

for: G. B. Harrison, P.Eng
Technical Support Engineer



RAIL NOISE, VIBRATION AND SAFETY IMPACT POLICY

Noise and vibration sensitive areas may be considered to be those areas of land abutting or adjacent to rail right-of-ways having a passive recreation or residential component. Sensitive areas for noise generally include lands lying within 300 M of rail right-of-ways and for vibration, generally include lands lying within 75 M of rail right-of-ways.

Specific land use controls respecting rail impacts shall be exercised on lands abutting or adjacent to rail right-of-ways and the following policies shall apply:

(a) Prior to approval of applications for policy amendments, zoning by-law alterations, or subdivision or condominium control that result in or permit the creation of a new residential unit or lot or the conversion of rental residential units to freehold, cooperative or condominium ownership.

(i) said application(s) shall be circulated to the appropriate rail company for comments with regard to the recommended noise, vibration and impact mitigation measures; and

(ii) the municipality may require that the owner/developer engage a consultant to undertake an analysis of noise and/or vibration and to recommend abatement measures necessary to achieve the maximum noise level limits set by the Ministry of Environment to the satisfaction of the City and in consultation with the appropriate rail company and the Ministry of the Environment.

(b) As a condition of approval of applications as detailed in (a) preceding, provision shall be made where possible, for the registration on title and insertion in Agreements of Purchase and Sale or Lease of a warning clause with regard to the existence of and potential impacts of rail use and operations and mechanisms to ensure the ongoing maintenance of the required measures and;

(c) As a condition of approval of applications as detailed in (a) above preceding and as outlined hereafter, setbacks to address rail safety concerns shall be required for any new residential dwelling or building, an addition to an existing residential structure or a place of public assemblage from the railway right-of-way. The appropriate safety setback will be determined in consultation with the railway company and will take into account provision for safety berms, topography and intervening structures between the railway right-of-way and the new residential dwelling or building, addition to an existing residential structure or place of public assemblage.

(d) As a condition of approval of applications as detailed in (a) above preceding the developer may be required to install and maintain combined security and acoustical fencing of a minimum height necessary to prevent trespass onto the adjacent railway right-of-way and attenuate noise to acceptable levels. As a minimum requirement, chain link security fencing of 1.83 M height will be required along the common property boundary with the railway right-of-way.

readily accommodated. The access scenario is complicated by proposed interchange modifications at the Q.E.W. which will likely result in the installation of traffic signals slightly north of the existing access point. As a result, if this site were to redevelop, we could only support uses which would generate a low traffic volume from the entire site. We therefore recommend the retention of the existing industrial designation on this property.

A similar situation exists for the property located on the east side of Centennial Parkway immediately south of the railway tracks. As in the previous case the potential for access to Centennial Parkway from this site is limited. Given the traffic situation along Centennial Parkway, our preferred development option for this property from a transportation perspective would be as industrial, with no access to Centennial Parkway. Access to this property is available via Cascade Street and the industrial area east of Centennial Parkway.

For your information, we have been dealing with a developer on this property. In our discussions with them we have pointed out these concerns and our preferences with respect to development on the property. We also suggested that they consider some tourist related uses along Centennial Parkway with industries to the rear. In this particular case the applicant has modified his original commercial proposal to include only those uses which we are satisfied will not generate substantial traffic volumes during peak hours. In addition, the applicant has agreed to an access concept which will aid in minimizing any traffic impact. If Council decides that this type of development should be allowed to occur, rather than our stated preference, we have taken the steps available to us to try to accommodate this decision.

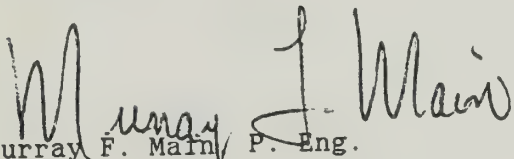
The implications of the development of the north-south and east-west transportation corridor project have not been addressed in this study. Apart from the potential relief in traffic congestion that this facility may produce on Centennial Parkway, it will also change the way people travel in and around the City. We would have to suggest that when the freeway facility is operational that it will be the route of choice from the Q.E.W. to eastern Hamilton and to the connecting east-west routes of Barton, Queenston and King. Given this expectation and the traffic situation outlined above for Centennial Parkway, it would seem appropriate to question the continued suitability of Centennial Parkway as a tourist oriented route. It might be more appropriate to provide tourists directions from the new high standard freeway rather than to promote what may become a more secondary connection which no longer provides a natural desire line path to the City or its attractions.

In summary, the existing traffic situation along this section of Centennial Parkway is poor. We expect this situation to continue, or become worse, for at least the next 6 years. As a result we cannot support any intensification of use along this corridor which will generate substantial new traffic volumes. We do support enhancement of the facilities located at Confederation Park and the general provisions of the plan intended to make this entrance to the City more attractive. In addition, we would suggest a re-examination of this study once the freeway has been established and/or definite plans to widen Centennial Parkway are in place.

Finally, we should also make note of our willingness to review any site specific development proposal which would seek to provide some of the facilities that your study wishes to promote while not introducing substantial volumes of new traffic to the area. For example, if the scrapyard property north of the railway tracks developed with a motel/hotel use along the Centennial Parkway frontage and a light industrial usage for the bulk of the site, with access to the east, we could likely support such a concept.

I hope these comments prove useful in your deliberations.

Yours truly,

A handwritten signature in dark ink, appearing to read "Murray F. Main". The signature is fluid and cursive, with the first name "Murray" and last name "Main" being clearly legible, and "F." as a small middle initial.

Murray F. Main, P. Eng.
Director of Traffic Services

RK/ca



Section 5.0
IMPLEMENTATION STRATEGY

5.0 IMPLEMENTATION STRATEGY

The preceeding sections of this report have identified:

- the planning impediments to developing the area for tourism-related uses;
- the development/redevelopment opportunities for tourism-related uses;
- the actions that can be undertaken to enhance the area's image as a gateway; and
- the promotional opportunities to attract tourists to this part of the City.

For these proposals to be effective, a detailed implementation strategy is necessary. Accordingly, the purpose of this Section is to summarize all the recommendations and identify how they can be implemented.

5.1 Official Plan Amendments

Section 2.0 identified three major changes to the Official Plan which can be supported.

- the Signature Inn, retail plaza, and the Pines Motel and restaurant on the West side south of the Q.E.W. should be redesignated from "Industrial" to "Commercial" and removed from Special Policy Area 11 - Light Industrial Uses;
- the east side of Centennial Parkway from the Queen Elizabeth Way to south of the railway tracks should be redesignated from "Industrial" to "Commercial" and removed from Special Policy Area 11. This area should be included in a new Special Policy Area which will encourage recreational/entertainment/accommodation uses given their potential for such development in close proximity to the Queen Elizabeth Way interchange and Confederation Park. Provision should also be made for prestige industrial or business park-type uses, should the recreational/entertainment/accommodation uses not be realized. Policies should recognize the strategic location of these lands relative to its gateway function and encourage development/redevelopment accordingly; and,
- the two car dealerships and service station on the east side, north of Barton Street, should be redesignated from "Industrial" to "Commercial", removed from Special Policy Area 11 and placed in a new Special Policy Area limiting commercial development to those uses which support tourism and cater to the travelling public such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs and similar uses. It should be noted that a zoning application (ZA-89-38) is now being considered for retail commercial uses on a vacant 10 acre parcel immediately south of the railway tracks.

Further, to implement some of the area improvements noted in Section 3.0, funding may be available in the future through programs offered by various levels of government. To take advantage of any such programs, the Official Plan should be amended to identify this area as a "Community Improvement Area" on Schedule "H" of the Plan.

To implement these changes, the appropriate amendment to the Official Plan should be initiated.

5.2 Zoning

Section 2.0 detailed three specific zoning initiatives consistent with the changes recommended for the Official Plan which can be supported. However, prior to proceeding with these initiatives, it is necessary that Planning staff be directed to meet with the owners/developers of the affected lands. The purpose of such discussions will be to ascertain their intentions for development/redevelopment of their lands and their receptiveness to initiating such rezonings.

5.3 Neighbourhood Plans

The two existing Neighbourhood Plans, Kentley and Riverdale West, should be updated to reflect the proposed Land Use Concept as detailed in Section 2.0 of this report. Further, Neighbourhood Plans should be prepared for Lakely and Nashdale on the same basis. High priority should be given to the revision/preparation of these Neighbourhood Plans.

In conjunction with the revision/preparation of the above-noted Neighbourhood Plans, urban design guidelines should be established for the area. These guidelines should reflect the concepts articulated in Section 3.0.

5.4 Site Plan Control

Site plan control should be established immediately for those areas not now covered by it. This will assist in the implementation of the urban design guidelines and Design Improvements.

5.5 Design Improvements

Table II in Section 3.0 details those actions (and their priority) which should be undertaken to enhance this area's importance as a gateway. These actions and priorities should be endorsed and implemented as detailed in that section.

5.6 Tourism and Marketing

Section 4.0 identifies three ways of promoting the Study Area in general and the tourist industry in particular:

- Business Improvement Area/Local Business Association. This would be geared to the commercial component of study area and implemented by the Community Development and Planning Departments;
- Identification of an area theme. This action would be an integral part of the formation of the local business association; and,
- Promotional literature. This would be prepared and distributed by the Regional Economic Development Department in consultation with the local business association. The Region's planned tourism information centre at Confederation Park is an ideal opportunity to promote the many attractions and facilities in the study area.

Both the City's Community Development Department and the Region's Economic Development Department should be requested to assist the Planning staff in carrying out these suggestions.

Roadway signage for this area was part of a Region-wide study. The findings of this study support the findings of the signage study. The Regional Engineering Department should be advised of this support and in particular:

- requesting the province to consider signing the Centennial Parkway interchange on the Q.E.W. as "Hamilton";
- identifying Centennial Parkway as an alternate route to the downtown; and,
- providing trail blazer signs for Confederation Park and Wild Water Works.

APPENDIX 4

GATEWAY EAST STUDY

Final Recommendations

1. An amendment to the Official Plan be initiated as follows:
 - a) lands on the west side of Centennial Parkway, between the Q.E.W. interchange and the railway tracks (including the Signature Inn, retail plaza and the Pines Motel and restaurant) be redesignated from "Industrial" to "Commercial", and removed from Special Policy Area 11 (Light Industrial Uses);
 - b) lands on the east side of Centennial Parkway, north of Barton Street (including the two car dealerships and service station) be redesignated from "Industrial" to "Commercial", removed from Special Policy Area 11 and placed in a new Special Policy Area limiting commercial development to those uses which support tourism and cater to the travelling public, such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs, and similar uses; and,
 - c) all lands within the study area (as shown on attached map - Land Use Concept) be designated as a "Community Improvement Area", as shown as Schedule "H" of the Official Plan.
 - d) incorporate a new policy into the Official Plan recognizing the railway's concerns regarding development adjacent to their lands and directing any future proponents for development/redevelopment to consult with CN regarding drainage, fencing and setbacks.
2. Planning and Development Department be directed to initiate discussions with the owners of the lands on the east side of Centennial Parkway, north of Barton Street (two car dealerships and service station) for the purpose of ascertaining their intentions for the development/redevelopment of their lands and their receptiveness to initiate rezonings consistent with the Official Plan amendments noted in #1 above.
3. Neighbourhood Plans/amendments be initiated on the basis of the following:
 - a) Kentley and Riverdale West Neighbourhood Plans be amended for those lands fronting onto Centennial Parkway between Barton Street and Queenston Road in accordance with the Land Use Concept (attached); and,

- b) Neighbourhood Plans be prepared for those portions of Lakely and Nashdale Neighbourhoods fronting onto Centennial Parkway, between the Q.E.W. and Barton Street, in accordance with the Land Use Concept (attached).

In conjunction with the revision/preparation of these Neighbourhood Plans, urban design guidelines should be established for the entire area and should reflect the concepts articulated in Section 3.0 of the Study. Special policies recognizing CN's concerns should be recognized for those lands adjacent to the railway line.

4. Site Plan Control be established immediately for those lands within the Study Area (see attached map) not now covered by Site Plan Control.
5. Endorse the actions and priorities as detailed in Table II - Implementation Strategy - Design Improvements (attached, Appendix 5) and direct staff to coordinate their implementation with other departments and agencies.
6. Staff, in conjunction with the Community Development Department and the Region's Economic Development Department, be directed to:
 - a) liaise with the local business people, land owners, etc., in an attempt to establish a local business association for some or all of the study area; and,
 - b) in conjunction with a) above, identify an area theme for promotional purposes.
7. The Region's Engineering Department be advised that with respect to the draft Regional Signage Study, that:
 - a) the Province be requested to consider signing the Centennial Parkway interchange on the Q.E.W. as "Hamilton";
 - b) the Province be requested to consider identifying Centennial Parkway as an alternate route to downtown Hamilton; and,
 - c) trail blazer signs be provided for Confederation Park and Wild Water Works.

CF:CS
 Attach.
 Gateway East

TABLE II
Implementation Strategy - Design Improvements

Location and Existing Land Uses	Proposed Land Use Designation	Existing Features	Proposed Improvements (and Priority)* Short Term Long Term	Comments
North of QEW - Confederation Park and Industry (Lang Foods)	Open Space and Extended Highway Commercial	Landscaping, plantings and lawn, signs at entrance to Confederation Park	Additional landscaping for new tourism uses and industry (H) Further unique design features at park entrance (M); sidewalks (H)	Future hotel and tourist information centre to be appropriately landscaped. Economic Development and Planning Departments.
Both sides of Centennial: QEW and Interchange lands - Highway overpass	Open Space	Natural woods and lawn	Flags and banners on MTO lands (M) Sidewalks (H)	"Welcome to Hamilton" theme to be incorporated To be co-ordinated with MTO.
West Side: QEW to Rail Bridge - Hotels and Plaza	Extended Highway Commercial	Attractive plantings, on hotel and plaza sites	Additional landscaping on vacant land (M); flags and banners (L) Tourist redirection or orientation area (M)	Possible shared use of parking areas for tourist redirection to Regional tourist information centre.
East Side: QEW to Rail Bridge - Industry (Maxman)	Business Park/Commercial	Few trees or shrubs, closed fence unattractive	Additional landscaping, especially trees and shrubs, to block views of industry (H) Sidewalks (H)	Site plan control for redevelopment to be undertaken by Planning Department
Both Sides: Rail Bridge and slopes to north and south of bridge	Business Park/Commercial and Light Industrial	Bridge narrow, requires maintenance, acts as psychological barrier; slopes have untidy grass and weeds.	Improvements to bridge, such as cleaning, painting and adding graphics (H+); extensive planting on slopes (H+). Widening of bridge (M); sidewalks (H)	Design competition to be used to refine approach for design. Themes: Gateway; "Welcome to Hamilton". Planning Dept. in conjunction with Engineering, and CNR as necessary.

* Note: Categories for priorities - L = Low; M = Medium; H = High; H+ = Very High.

Table 11 Continued

Implementation Strategy - Design Improvements

<u>Location and Existing Land Use</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)</u> <u>Short Term</u>	<u>Long Term</u>	<u>Comments</u>
West Side: Delawana Drive to Queenston Road - Eastgate Square Shopping Centre	Sub-Regional Centre	Attractive landscaping - boulevard with grass and trees; existing sidewalks	Additional shrubs (L)		The existing design is good. Perhaps slightly more trees or shrubs could be provided. Planning Department and property owners.
East Side: Delawana Drive to Queenston Road - Strip plazas	Extension of Sub-Regional Centre, including retail and offices	Very little landscaping, no sidewalks	Continuous co-ordinated urban landscape, by provision of street furniture, etc. (M); Some additional green landscaping (L).	Sidewalks (H)	Site plan control. Eliminate car parking closer to roadway. Planning Department, property owners, and By-law enforcement.
Queenston Road	Sub-Regional Centre	Standard four-way intersection		Redesign of intersection, e.g. design features of corners, arch or gate;	Queenston Road is a major point of departure which merits special landmark (as Barton St.). Design competition to refine approach. Planning and Engineering Departments.
Overall Study Area			Design guidelines to guide Zoning By-laws and Site Plan Control process. Zoning by-law amendments to regulate design. Site Plan Control. Design competition to determine details of special features; e.g., intersection improvements.		Planning and Engineering Departments to undertake preparation of guide-lines, and coordinate design competition.

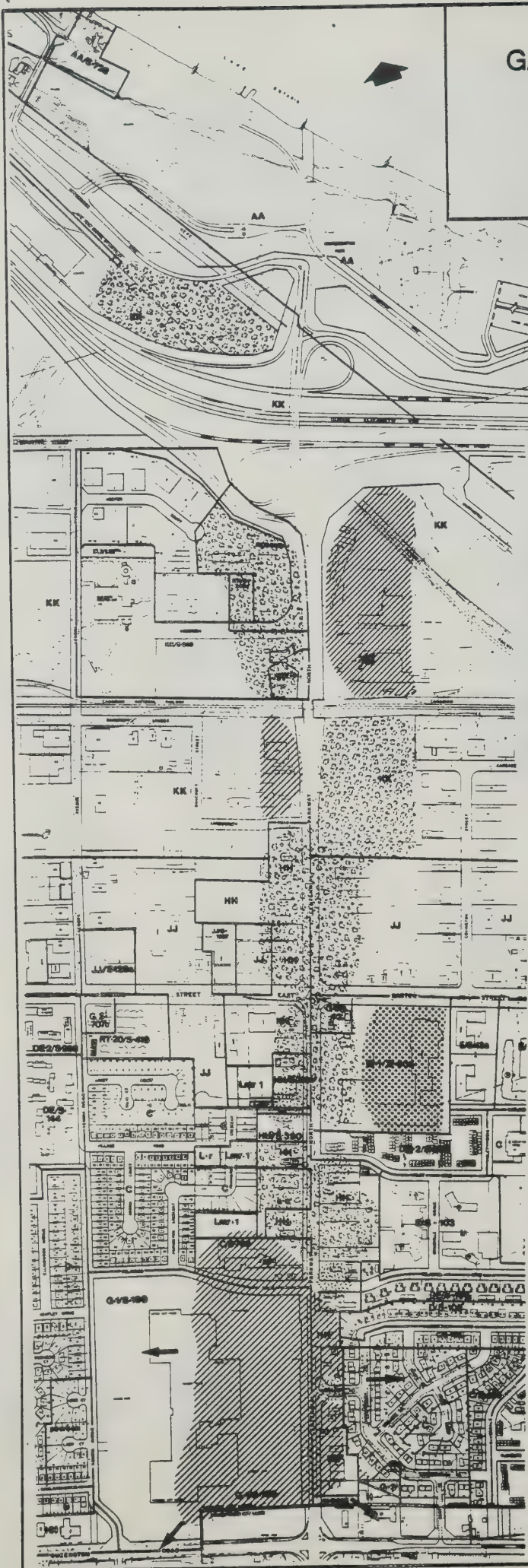
TABLE 11 Continued

Implementation Strategy - Design Improvements

<u>Location and Existing Land Uses</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)</u> <u>Short Term</u>	<u>Long Term</u>	<u>Comments</u>
Both sides of Centennial: Rail Bridge to Arrowsmith Road - Industry and vacant land	Business Park/Commercial and Light Industrial	Untidy grass and weeds on side slopes; open fence allows views of outdoor storage for industry.	Extensive planting on slopes (H+); closed fence on west side (H)	Sidewalks (H)	Same landscaping treatment as north of Rail Bridge for slopes; site plan control. Planning and Engineering Departments.
Both sides: Arrowsmith Road to Barton Street - Mixed highway commercial uses	Extended Highway Commercial	Some properties are well landscaped, others lack landscaping, especially green plantings	Generous green plantings to be provided in a continuous fashion (H)	Sidewalks (H)	Site plan control for new development. Planning Department, private owners.
Barton Street - Intersection with Centennial	Extended Highway Commercial	Standard four-way intersection		Redesign of intersection, e.g. design features on corners; arch or gate (M).	Barton Street is a major point of departure which merits special landmark. Design competition to be used to refine design approach. Planning Department.
Both Sides: Barton Street to Delaware Drive except minor intersections - Mixed highway commercial uses	Extended Highway Commercial	Some well landscaped properties with trees and shrubs; others lack any landscaping.	Coordinated urban streetscape to be provided by provision of street furniture; banners, utilities, etc. (M); some additional landscaping (L).	Sidewalks (H)	Site plan control to be required; eliminate car parking on road allowances. Planning Department and By-law enforcement.
Both Sides: Barton Street to Delaware Drive at minor intersections - Mixed highway commercial uses	Local Commercial	Most properties have minimal landscaping, few are presently used for local commercial purposes.	Spot improvements to landscaping for existing uses (M)	With redevelopment for local commercial, appropriate plaza design and landscaping to be incorporated (M); sidewalks (H)	Site plan control Local improvements Planning and Engineering Departments, private property owners.

GATEWAY EAST STUDY

0 50 100
metres



Land Use Concept

-  Local Commercial
-  Sub-Regional Centre/
Commercial
-  Extended-Highway
Commercial
-  Shopping Centre
-  Business Park/
Commercial
-  Light Industrial
-  Sub-Regional Centre
extends beyond the
study area.

FOR ACTION

7.

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

DATE: Dec.20/89

COMM FILE:

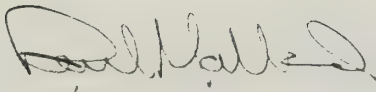
DEPT FILE: P5-4-39

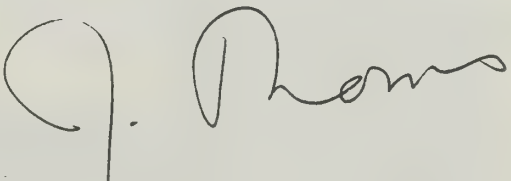
FROM: J.D. Thoms, Commissioner
Planning and Development Department

SUBJECT: Upper James Street (Wembly to South Bend Roads) Land Use Review

RECOMMENDATION:

That the Planning and Development Committee direct staff to schedule a Public Meeting to present the findings of the Upper James Street (Wembly to South Bend Roads) Land Use Review and solicit public input.


A.L. Georgieff, M.C.I.P.
Director of Local Planning

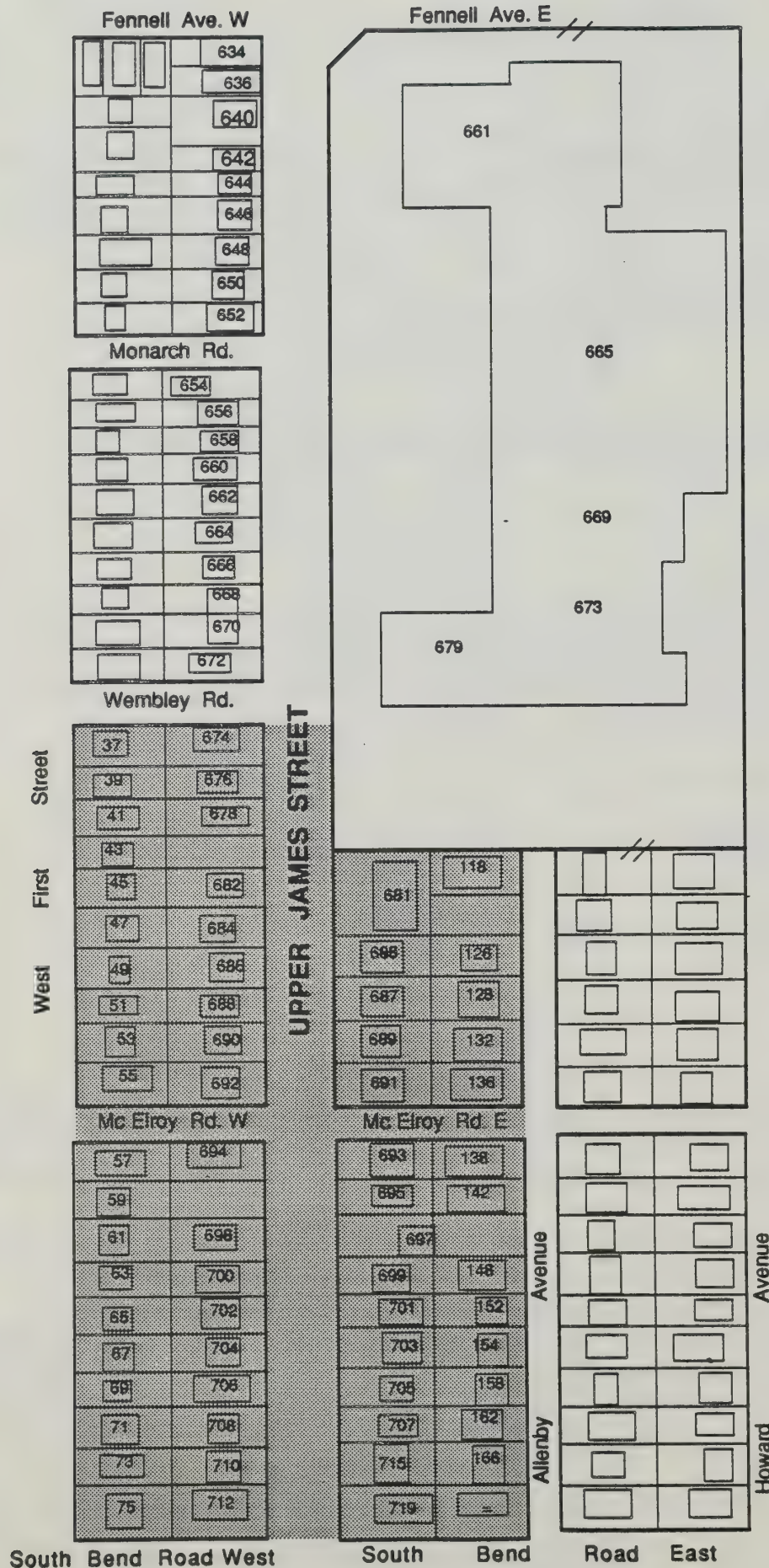

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

1.0) Background

As directed by Council, a land use review of the area along Upper James Street between South Bend and Wembley Roads has been undertaken. To ensure a comprehensive review, the entire blocks, east and west of Upper James Street, have been included in the study area (see Map 1).

The purpose of this study is to formulate a strategy through guidelines and/or policies which will give direction to the future redevelopment of Upper James Street at the periphery of the Bonnington and Balfour Neighbourhoods. A strategy is imperative for: delineating, in a comprehensive manner, how new uses and/or redevelopment can occur within the established neighbourhood fabric; and, evaluating the merits of proposals for change. Applications in the study area are currently dealt with on an ad-hoc basis, with no specific guidelines or policies in place.

MUNICIPAL NUMBERS



1.1) Development History

As Hamilton grew "southward" in the 1950's and 60's, Upper James Street became one of the major commercial corridors on the mountain. Despite the commercial development extending along Upper James Street, a few city blocks have remained residential. In fact, up until 1983, the blocks between Fennell Avenue and Southbend Road, remained primarily residential, with the exception of the Mountain Plaza (rezoned for a shopping center in 1957). Presently, the area between Fennell Avenue and Wembly Road is experiencing a slow transition from residential to commercial.

While the study area remains predominantly residential, there have recently been two zoning applications for change to commercial uses. Although the pressure for commercial development has been moderate, it is likely to accelerate, given, the extent of existing commercial development along the Upper James Street corridor, and the opportunity to convert less expensive residential land for commercial use.

1.1.1) 638-672 Upper James Street, North of the Study Area (ZA 80-31)

In 1980, a Zoning application was submitted requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the development of these lands for commercial purposes. Council considered the area inappropriate for commercial development (ie. incompatibility with adjacent uses, creation of traffic hazards on Upper James Street, increased traffic on local streets) and denied the application.

An appeal was subsequently made to the Ontario Municipal Board and the application was approved. The Board considered the area suitable for commercial uses and directed the City to amend its Official Plan (Special Policy Area 19) and Zoning By-law, and to place the area under Site Plan Control. The amendments permitted limited commercial uses within the existing buildings. For details of Council's disposition and the Board's decision see Appendix A.

Further amendments provided for the development of vacant land at 638 Upper James (Special Policy Area 29) and the exemption of 660 Upper James from the restriction to the existing building (Special Policy Area 34).

1.1.2) Within The Study Area

a) 678 Upper James Street (ZA 86-51)

On March 10, 1987, Council adopted Official Plan Amendment No. 49, (Special Policy Area 38) and passed By-Law 87-221 which permitted the conversion of the existing residential building for limited commercial uses. The provisions applied were the same as those for 638-672 Upper James Street.

As a result of this application, Council requested staff to undertake this land use review.

b) 694-698 Upper James Street (ZA 88-124)

A real estate office was established at this location, notwithstanding the residential zoning ("C" District). Accordingly, the Building Department issued an Order to Comply against the property for contravention of the Zoning By-law. In response, the owner applied for a rezoning to permit the real estate office. The application is being held in abeyance pending the outcome of this study.

1.2) Existing Land Use*

1.2.1) 638-672 Upper James Street - north of the Study Area

Of the 17 buildings north of the study area: 5 are used strictly for commercial purposes; 4 for mixed residential/commercial purposes; 1 is vacant; and the remaining 8 are used for residential purposes. This land use mix indicates that the area is under slow transition from residential to commercial.

1.2.2) Within the Study Area

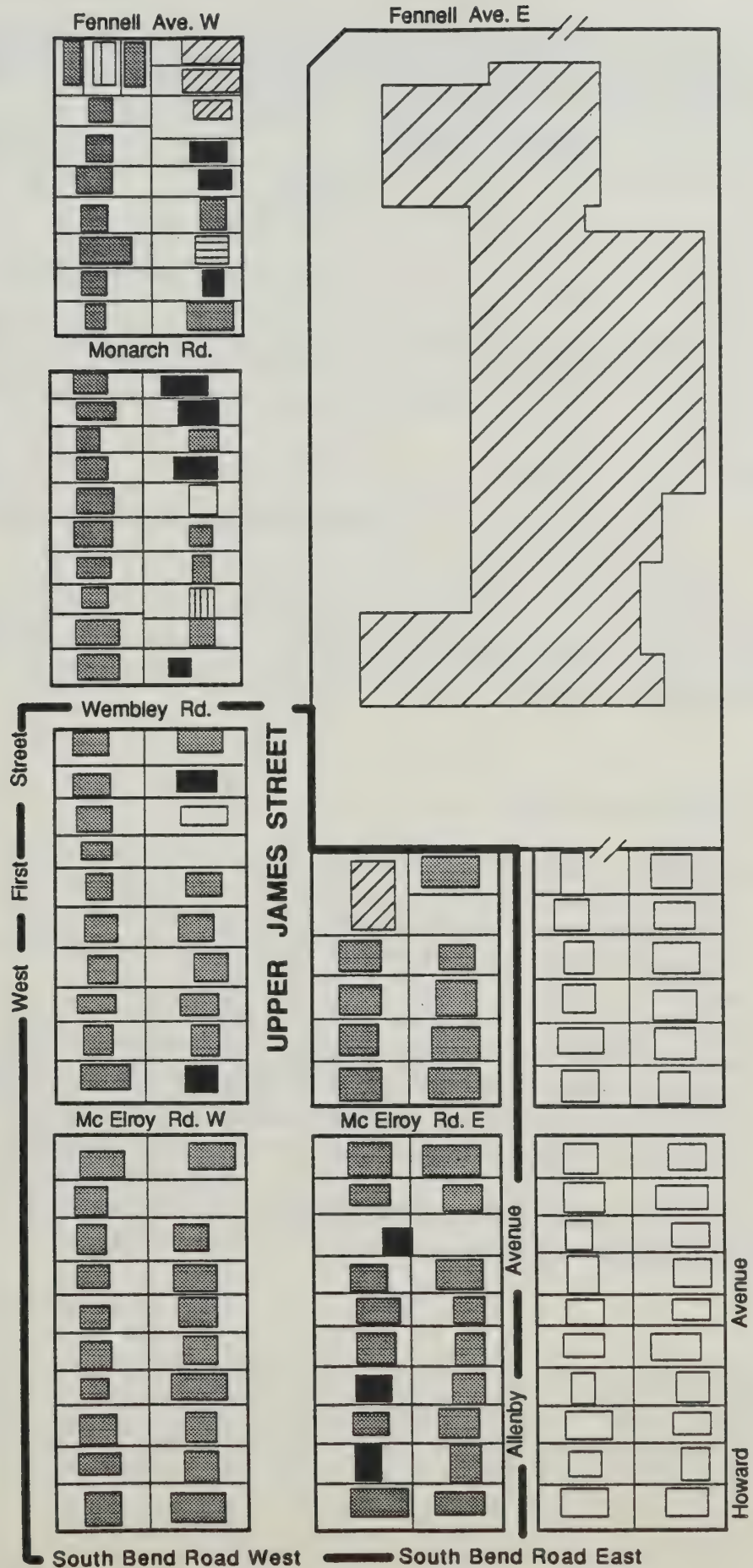
The predominant land use is single family dwellings (see Map 2). However, one commercial and 5 mixed commercial/residential uses do exist. Commercial establishments include: Canada Trust Realty office; Chiropractor office; variety store; auto body shop (appears illegal); tailor; and denture therapy clinic. Generally, the buildings are 1 1/2 to 2 storeys in height, and appear to be in good condition. The majority of the lots have driveways along the north side of the house. Existing uses are summarized in Table 1 below.

Table 1 Existing Land Use




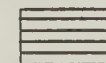

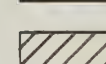
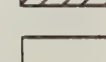
	Upper James St.	West 1st St.	Allenby Ave.
commercial	1	0	0
mixed commercial/ residential	5	0	0
single family dwellings	26	20	14
vacant	1	0	0

* Based on site survey, July, 1989.

EXISTING LAND USE



LEGEND

-  Study Area
-  Single Family Dwelling
-  Two Family Dwelling
-  Three Family Dwelling
-  Mixed Residential/Commercial
-  Commercial
-  Vacant

1.2.3) Lot Sizes

The lot sizes in the study area are typical of those found in a "C" District - 12m x 30.5m (40' x 100'), however the depths tend to be shallow. The average lot sizes are summarized in Table 2 below.

Table 2 **Average Lot Sizes**

	Frontages	Depths	Areas
UPPER JAMES STREET			
West Side	15.2 m	26.8 m	409 m ²
East Side	15.2 m	26.2 to 33.2 m	339 to 506 m ²
West 1st Street	15.2 m	32 m	486 m ²
Allenby Avenue	15.2 m	24.4 to 31.4 m	371 to 477 m ²

1.2.4) Ownership

Approximately 81% of the homes in the study area are owner-occupied. This statistic suggests stability in the residential uses.

1.3) **Transportation and Engineering Services**

1.3.1) Roadways and Alleyways

Upper James Street is a major arterial road, as well as a Provincial highway, running in a north/south direction. It is also a major truck route linking the downtown with the mountain and the municipalities beyond.

Traffic volumes have been constant over the last 10 to 15 years. In a 24 hour period, approximately 23,000 vehicles use Upper James Street, south of Fennell Avenue. Similarly, truck volumes have remained stable over the last 10 years ranging between 300 and 400 in the 7-10 AM and 2-6 PM hours. Clearly, the large traffic volumes are not reflective of a residential street.

Within the study area, there are "public unassumed" alleyways west of Upper James Street. No public alleyways exist on the east side.

1.3.2) Public Transit

The study area is served by the Upper James route running from Gore Park to either Sister Elizabeth Village or the Mountain Transit Centre. As well, the Fennell route runs from the Bayfront to Mohawk College and the Mohawk route runs from Upper Kenilworth Avenue to Upper Horning Road.

1.3.3) Watermain Capacity

Watermain capacity is sufficient to accommodate increased development fronting on Upper James Street. However, the capacity of the watermain on Southbend, McElroy and Wembley Roads is barely sufficient for single family dwellings.

1.3.4) Storm and Sanitary Sewer Capacity

Upper James Street has a combined sanitary and storm sewer system which at the present time, is barely sufficient for the present development drainage. Increased development intensity in the area may create the necessity to upgrade the sewer system; however, no provision has been made in the Five Year Capital Works Program for such an undertaking.

1.4) **Existing Planning Controls**

Planning controls shape the manner and type of development that will occur. These include: the Official Plan, Neighborhood Plans, Zoning By-law and Site Plan Control.

1.4.1) Official Plan

The study area is designated RESIDENTIAL on Schedule "A" - Land Use Concept (see Map 3). The primary permitted uses are dwellings. In addition, Local Commercial uses and Home Occupations may also be permitted, subject to certain provisions. Special Policy Area 38 (678 Upper James Street) permits limited commercial uses.

1.4.2) Neighbourhood Plans

There are no Neighbourhood Plans for either the Bonnington or Balfour Neighbourhoods.

1.4.3) Zoning By-law

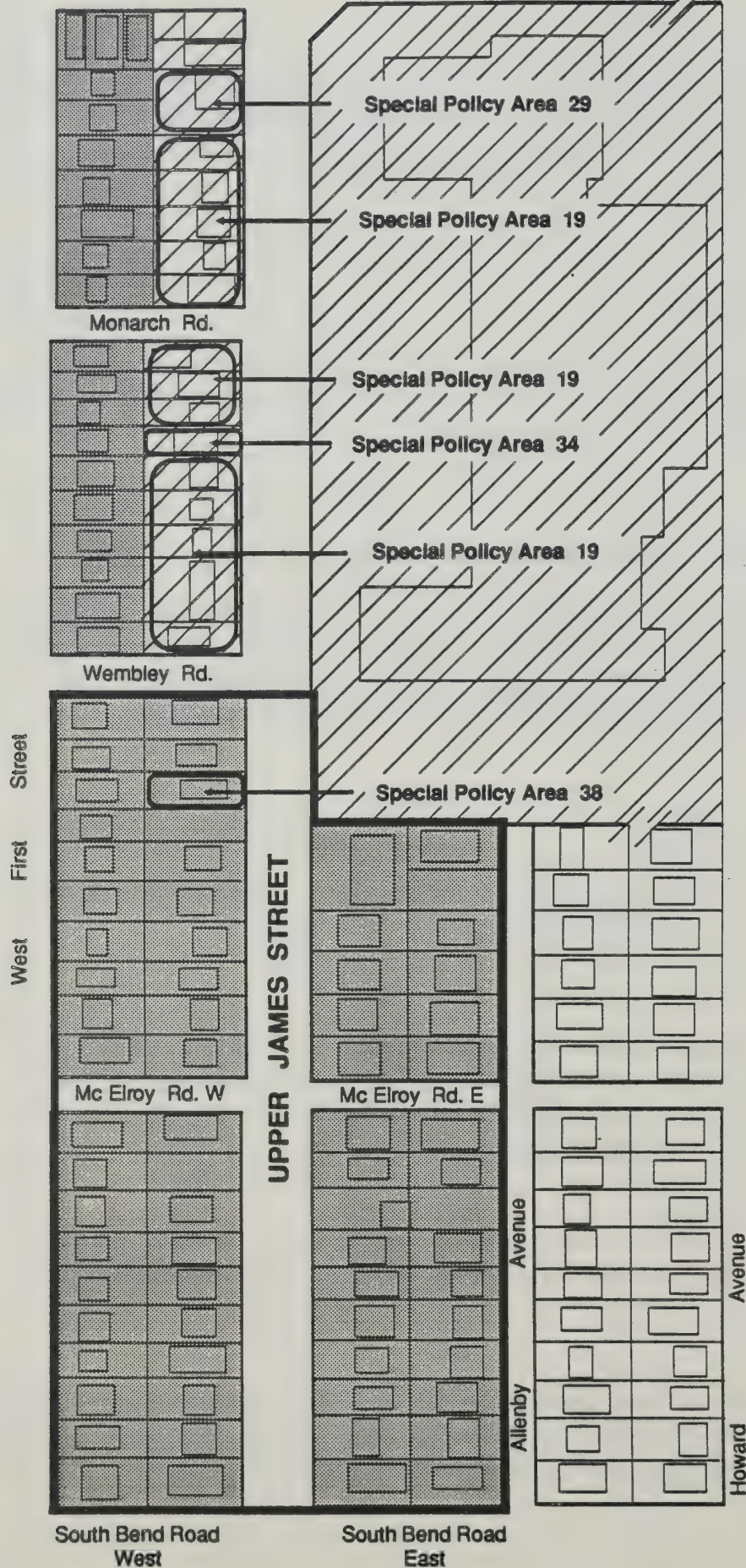
The majority of the properties are zoned "C" (Urban Protected Residential, etc) District (see Map 4). In addition to single family dwellings, converted dwellings, foster homes, residential care facilities, day nurseries, and home occupations may also be permitted.

Fennell Ave. W


Fennell Ave. E

MAP No. 3

OFFICIAL PLAN DESIGNATIONS & SPECIAL POLICY AREAS



LEGEND

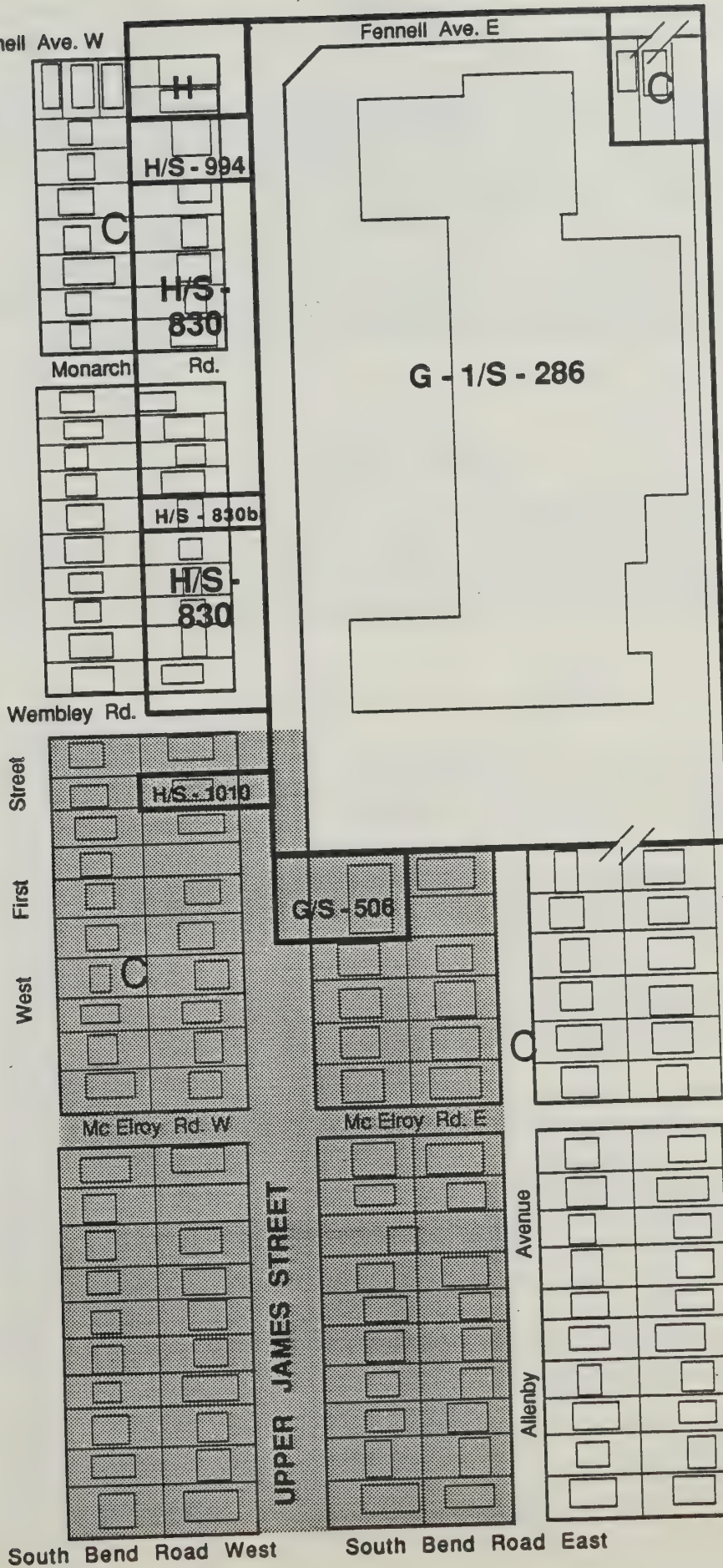
-  Study Area
-  Special Policy Areas
-  Residential
-  Commercial

Fennell Ave. W

Fennell Ave. E

MAP No. 4

EXISTING ZONING



LEGEND



Study Area

One property (678 Upper James Street) is zoned "H" (Community Shopping and Commercial etc.) District, modified, to permit a limited number of commercial uses (ie. book store, antiques, personal service establishments) and requires parking, etc. The same zoning regulations apply to this property as those north of Wembley Road.

In addition, the property located at No. 681 Upper James is zoned "G" (Neighbourhood Shopping Centre) District, modified, which permits a limited number of commercial uses. The zoning contains specific requirements regarding building height and rear yard depth.

1.4.4) Site Plan Control

The majority of the study area is not under Site Plan Control, as Site Plan Control does not apply to the "C" District. However, Council has the option of requiring its application on specific properties. This was done in the case of 678 Upper James Street to ensure that adequate parking, access, buffering and landscaping was being provided (see Map 5).

2.0) ANALYSIS

In reviewing the background research and site analysis, certain characteristics of the study area are critical in the evaluation of land use options or strategies. Specifically:

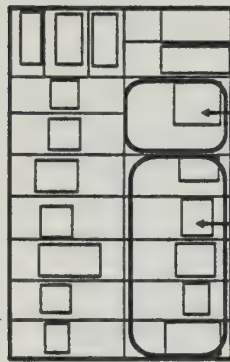
- 1) The study area consists of a multiplicity of small fragmented parcels of land. Generally, the average lot size is between 409 and 455 m² (4,400 and 4,900 sq. ft), with shallow depths averaging 26.8 to 30.5m (88 to 100 ft.);
- 2) The study area is located between two commercial nodes, south and north of the study area, which offer a wide variety of goods and services;
- 3) Upper James Street is a major transportation corridor carrying high volumes of both truck and automobile traffic, as well as being serviced by public transit;
- 4) Engineering services are restricted in that the watermain capacity cannot accommodate further development along South Bend, McElroy or Wembly Roads and the sewer system cannot accommodate any increased development density; and,
- 5) In spite of the adjacent commercial concentrations and high traffic volumes, the study area still appears to be a viable residential enclave by virtue of the number of residential uses and the conditions of the buildings.

Fennell Ave. W

Fennell Ave. E

MAP No. 5

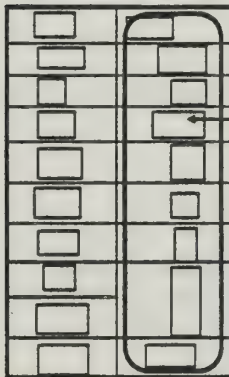
EXISTING SITE PLAN CONTROL



SITE PLAN CONTROL
BY - LAW No. 87 - 12

SITE PLAN CONTROL
BY - LAW No. 83 - 272

Monarch Rd.



SITE PLAN CONTROL
BY - LAW No. 83 - 272

Wembley Rd.

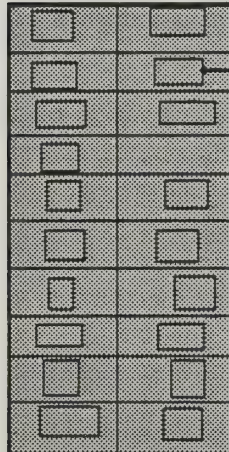
SITE PLAN CONTROL
BY - LAW No. 87 - 222

Street

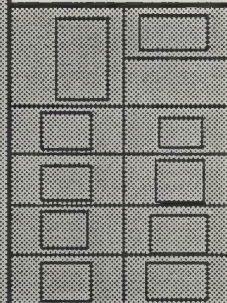
First

West

UPPER JAMES STREET



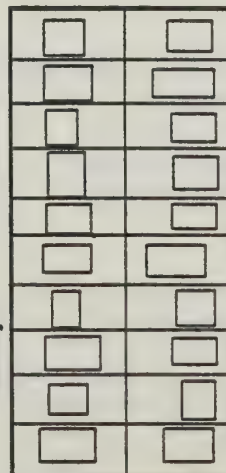
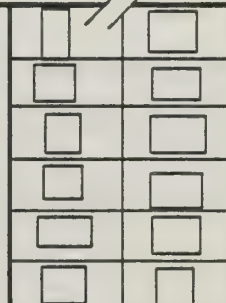
Mc Elroy Rd. W



Mc Elroy Rd. E

Avenue

Allenby



Avenue

Howard

South Bend Road West

South Bend Road East

LEGEND



Study Area



Under Site
Plan Control

2.1) Land Use Options

There are 4 land use options that may be considered

- Option 1: Retain the residential uses within the study area and not permit further commercial development.
- Option 2: Permit conversion of existing structures fronting onto Upper James for limited commercial purposes.
- Option 3: Permit redevelopment of Upper James frontage only for commercial and/or mixed commercial/residential uses.
- Option 4: Permit comprehensive redevelopment of both blocks, east and west of Upper James Street, for commercial and/or mixed commercial/residential uses.

2.1.1) Option 1 - maintains the status quo and does not permit any further commercial intrusion.

Advantages

- No need to expand existing sewer and watermain services.
- No additional potential traffic onto Upper James or local streets.
- No detrimental impact on adjacent residential areas.

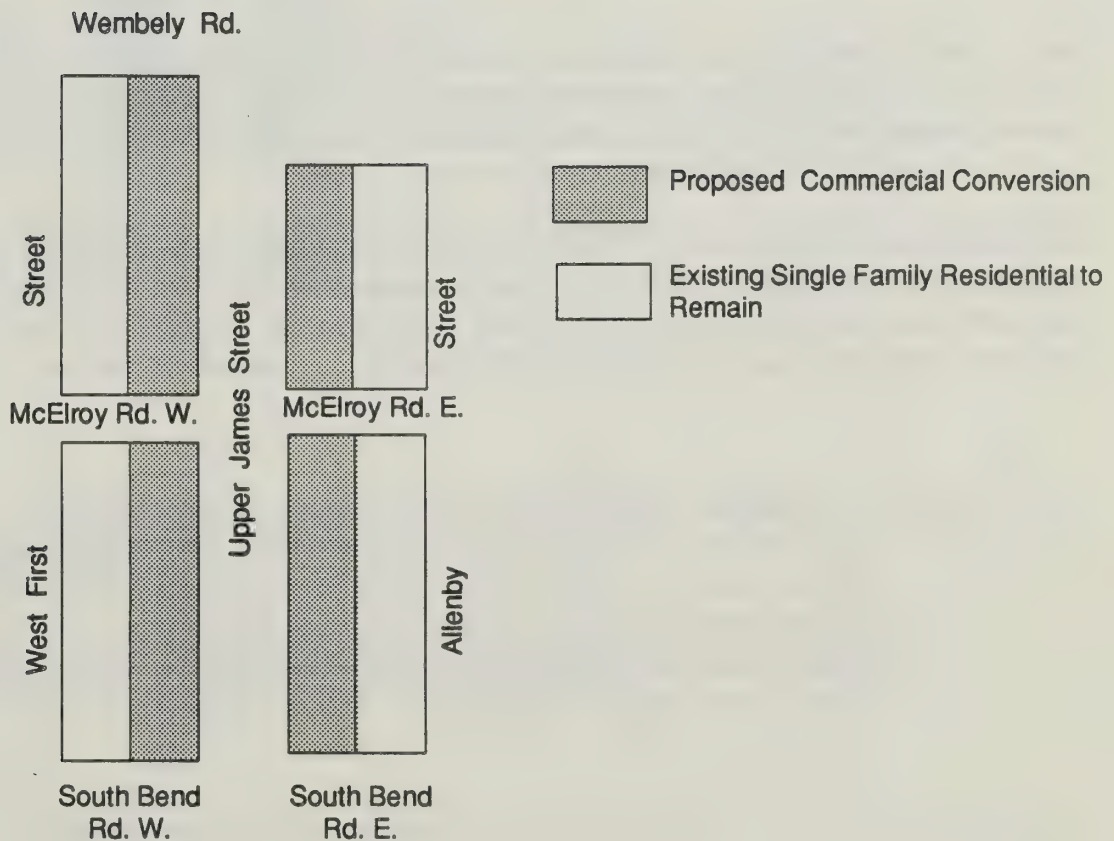
Disadvantages

- This option ignores the fact that pressure for commercial redevelopment is likely to increase, without proper policy guidance.
- As Upper James continues to develop as a commercial corridor, the viability of the study area for residential uses will diminish.

Option 1 is not a desirable alternative as it ignores the potential development pressures along the corridor. As pressure is likely to increase, redevelopment for commercial use appears unavoidable.

2.1.2) Option 2 - permits the conversion of the existing structures fronting onto Upper James Street for commercial uses (see below). The types of commercial uses permitted would be limited to personal services, offices, retail stores (jewellery, drug store, food, flowers, etc.) and some public uses (art gallery, library). Parking would be required. In addition, the lands would be placed under Site Plan Control to ensure that design aspects such as, access, parking layout, etc., are satisfactory to ensure that any impacts on the adjacent residential area would be negated.

Option 2



Advantages

- * The existing low profile streetscape would be maintained by requiring the retention of the existing structures.
- * It would not overburden existing sewers and watermain, given that conversions would be limited to existing structures;

- * It would ensure that the uses permitted and zoning standards for those properties fronting on Upper James Street between Fennell Avenue and Southbend Roads would be consistent.
- * The impact on adjacent residential uses would be minimal in that conversion is contained to the existing building.
- * Increase in traffic and parking on the adjacent local streets would be minimal.

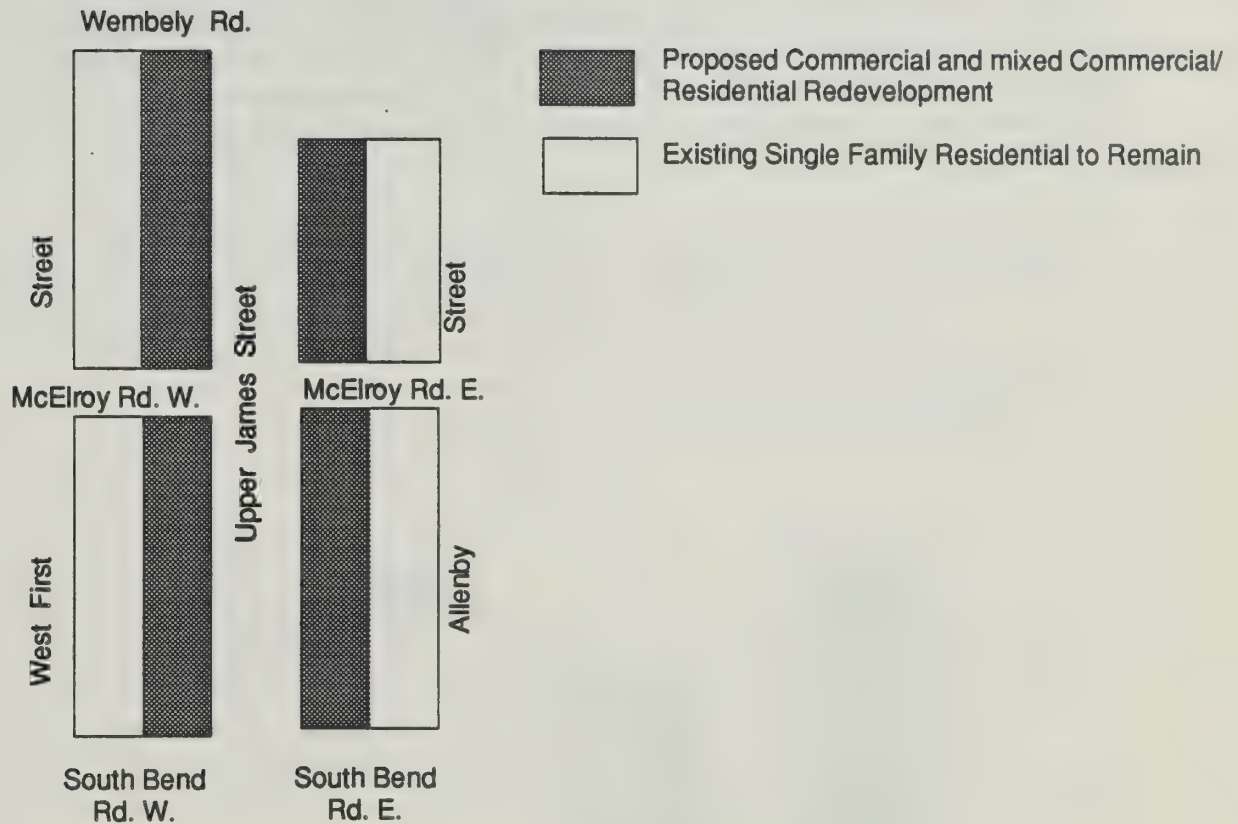
Disadvantage

- * Large number of accesses onto Upper James Street, due to individual driveways, could have an impact on traffic.

The only disadvantage is the numerous accesses onto Upper James Street. However, shared accesses and parking areas for adjacent commercial uses could be encouraged to alleviate potential traffic problems. Further, it should be noted that the Traffic Department has not indicated the individual accesses to be a concern.

As seen above, the advantages of this Option greatly outweigh the one disadvantage. Existing services would be adequate for the proposed redevelopment, the impact on the adjacent residential area would be minimal, the existing low profile streetscape would be maintained, and uses permitted would be consistent with other commercial uses in the area.

- 2.1.3) Option 3 - anticipates the redevelopment of the Upper James frontage for commercial and/or mixed commercial/residential uses (see below). Existing residential uses on West First Street and Allenby Avenue would remain. Due to the small size and fragmented ownership of properties, it is likely that at least two or more properties would have to be assembled and redeveloped in order to accommodate setbacks, parking, landscaping and other performance standards.

Option 3Advantages

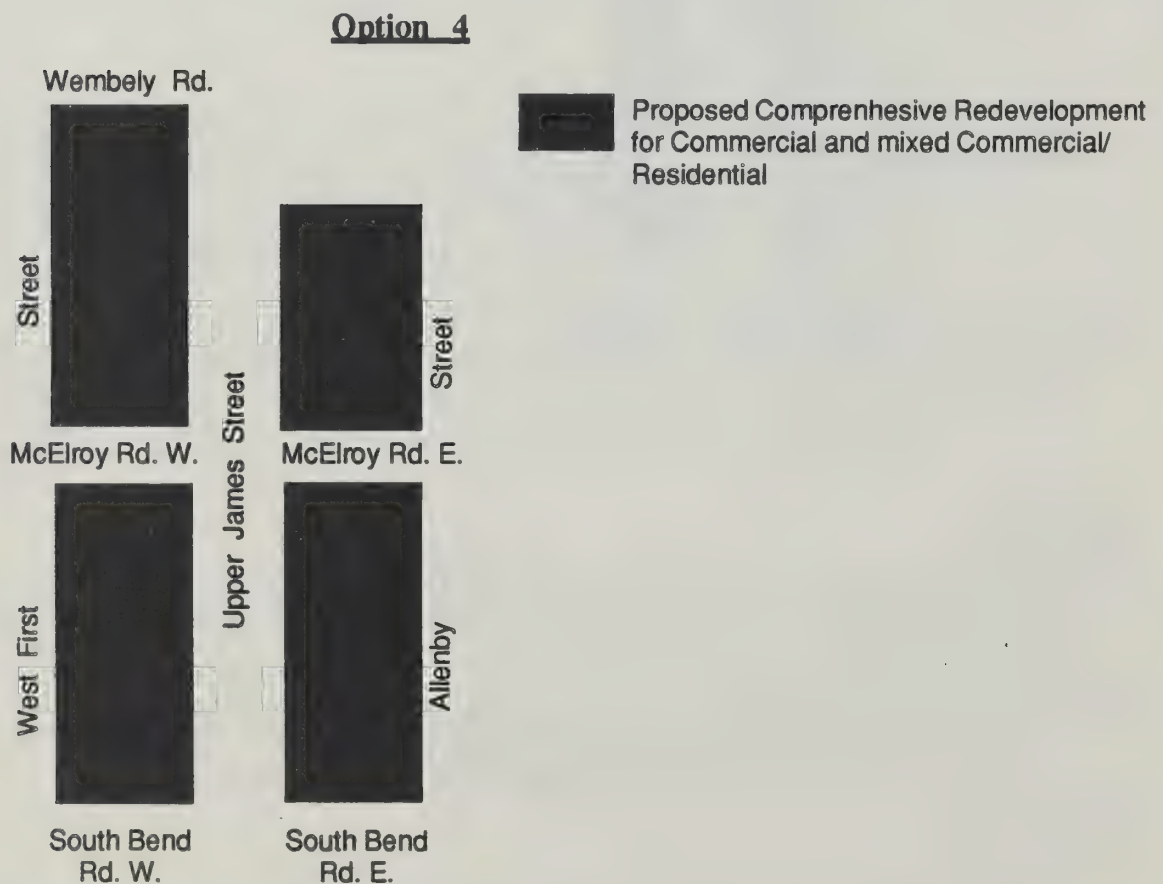
- * There may be fewer access drives onto Upper James Street, reducing any potential impact on traffic.
- * The area would be suitable for multiple-family residential uses, mixed uses, and/or retirement home, i.e. close to shopping, public transit, etc.

Disadvantages

- * There would be some impact on adjacent residential uses, i.e. increased noise, increased traffic, overflow parking, visual impacts.
- * It is likely that the sewer system would have to be upgraded to accommodate the increased development.
- * The properties are too small in size to be redeveloped individually, land assembly would be required.

There are a number of disadvantages that make this Option considerably less feasible than Option 2. One disadvantage is the upgrading of the existing sewer system which would be necessary to service the area, a large portion of the cost which would be borne by the Region. In addition, some land assembly would be required for redevelopment. Also, the potential for detrimental impact on the adjacent residential uses would be greater.

2.1.4) Option 4 - calls for the complete redevelopment of both blocks, east and west of Upper James Street, for commercial or mixed commercial/residential purposes (see below).



Advantages

- ° This option would provide for larger developments which could meet the Zoning requirements (H District) or the performance standards.
- ° As in Option 3, there would be fewer access drives onto Upper James Street, thus reducing any potential impact on traffic.

- * The area would be suitable for multiple-family residential uses, mixed uses and/or retirement home, i.e. close to shopping, public transit, etc.

Disadvantages

- * Both the sewer and watermain systems would have to be upgraded to serve the area with a satisfactory level of engineering services.
- * It would result in the intrusion of commercial development into the stable residential areas in the interior of the neighbourhoods. Some impact on the adjacent residential area would be expected, such as: increased noise; visual impacts; additional traffic and/or spill over parking on residential streets.
- * Extensive land assembly would be essential.

Again, there are a number of drawbacks associated with this Option. Existing engineering services are inadequate to service redevelopment of this extent. Upgrading of both the sewer system and the watermain system would be required. Complete redevelopment of the entire blocks for commercial or mixed commercial/residential uses would cause an intrusion of commercial uses into a stable residential area. Associated traffic and spill over parking would likely impact the adjacent residential area. Further, extensive land assembly would be required for this Option.

3.0) Preferred Land Use and Implementation

Based on the above analysis, it is prudent to formulate a strategy at this time, for the conversion and/or redevelopment of the study area for commercial or mixed commercial/residential use. This will ensure that proper guidelines/policy are in place. If redevelopment is to be permitted in the study area, Option 2 is the least likely to undermine adjacent residential uses, would keep development pressure in check, and would not fuel speculation. A smooth transition from residential to commercial would be able to occur as the demand for conversion increases. As well, Option 2 would provide for redevelopment that would be consistent with the area to the north (Wembley to Fennell). Consequently, Option 2 is the preferred redevelopment concept.

The implementation strategy is outlined below and would require amendments to the Official Plan and Zoning by-law, the establishment of Site Plan Control and adoption of development guidelines. These matters can be further refined as a result of public input.

3.1) Official Plan

To implement Option 2 an Official Plan Amendment will be required. The Amendment would redesignate the properties fronting onto Upper James from "Residential" to "Commercial". A "Special Policy Area" would also be established to limit the types commercial uses and to restrict

commercial uses to existing buildings (or when existing buildings are destroyed, new buildings with the same external dimensions and floor area). This is consistent with the policy in place for the commercial area to the north of the study area. The "Special Policy Area" could also be used to encourage proponents for redevelopment to use innovative parking and access designs, such as shared accesses to limit the total number of accesses onto Upper James Street, rear parking areas as opposed to front yard parking in order to maintain the streetscape, to provide adequate buffering and landscaping, etc..

3.2) Zoning By-law

A Zoning By-law amendment would also be required to implement Option 2. The properties would be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified. The site specific Zoning would limit the types of commercial, public/institutional uses to:

Commercial

- business or professional person's offices;
- photographer's or artist's studio but not including a motion picture studio;
- barbershop, hairdressing establishment, beauty parlour, massage parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- retail store selling:
 - a) wearing apparel and accessories;
 - b) furniture, homefurnishings, appliances;
 - c) antiques;
 - d) books and stationery;
 - e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
 - f) cameras and photographic supplies;
 - g) jewellery;
 - h) flowers plants and like goods sold for offered for sale by a florist; and,
 - i) sale and dispensing of optical goods;
- retail drug store;
- food store;
- retail variety store;
- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker shop for the sale of plumbing supplies or fixtures or a pet shop; and,
- commercial lending library or art gallery.

- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker shop for the sale of plumbing supplies or fixtures or a pet shop; and,
- commercial lending library or art gallery.

Institutional

- day nursery.

Public

- library;
- art gallery; and,
- private club.

Accessory use

- a business identification sign of an occupancy or use, that complies with the following requirements:
 - a) no sign shall exceed 2.0 metres in vertical dimension;
 - b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

The By-law amendment would also limit the commercial uses to the existing buildings (or to new buildings with the same external dimensions where the existing buildings are destroyed).

Parking

The By-law Amendment would also require appropriate parking.

3.3) Site Plan Control

The proposed redevelopment area would be placed under Site Plan Control. This would give the City further control over design aspects such as parking, landscaping, access, buffering, etc.

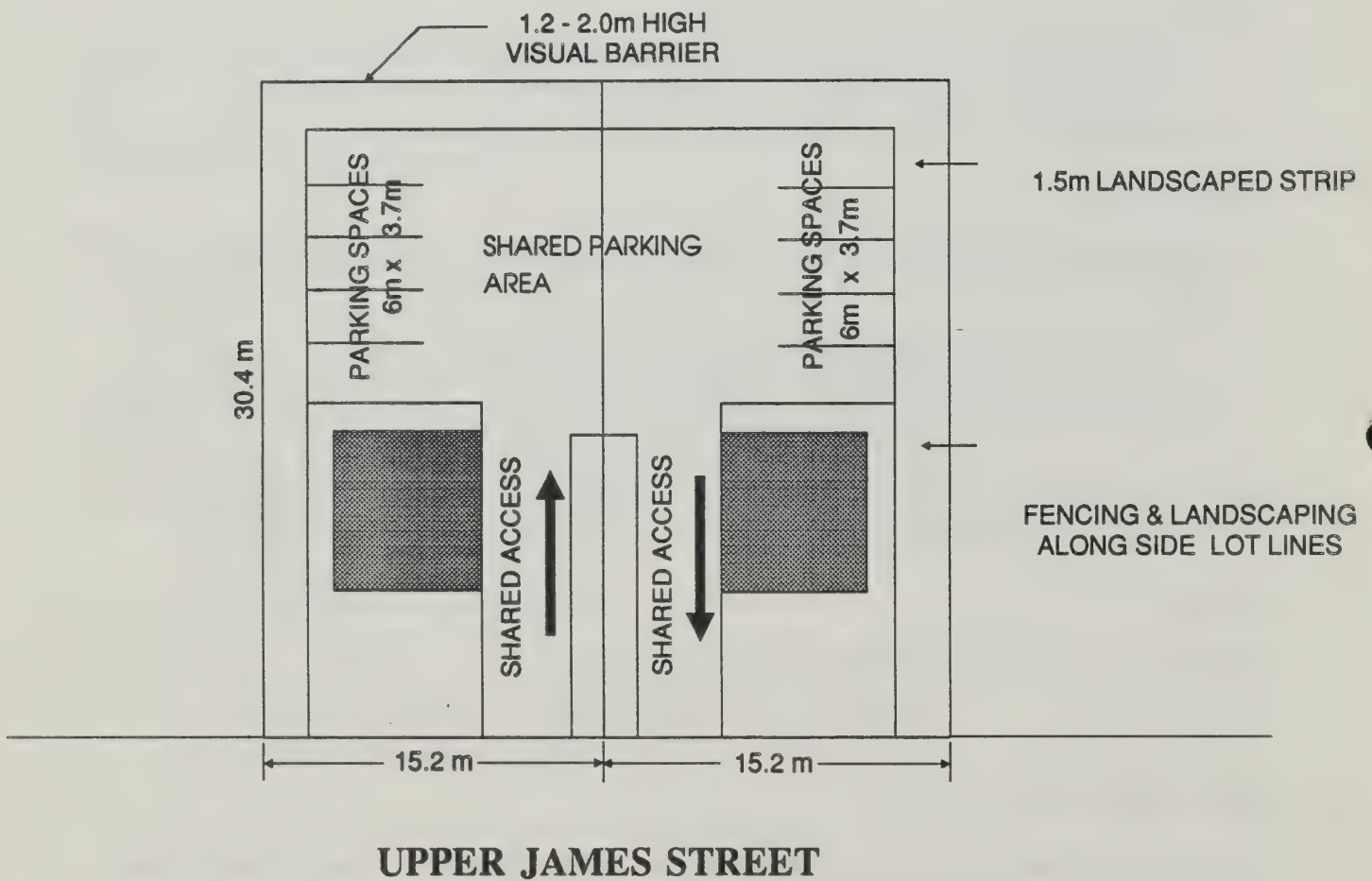
3.4) Development Guidelines

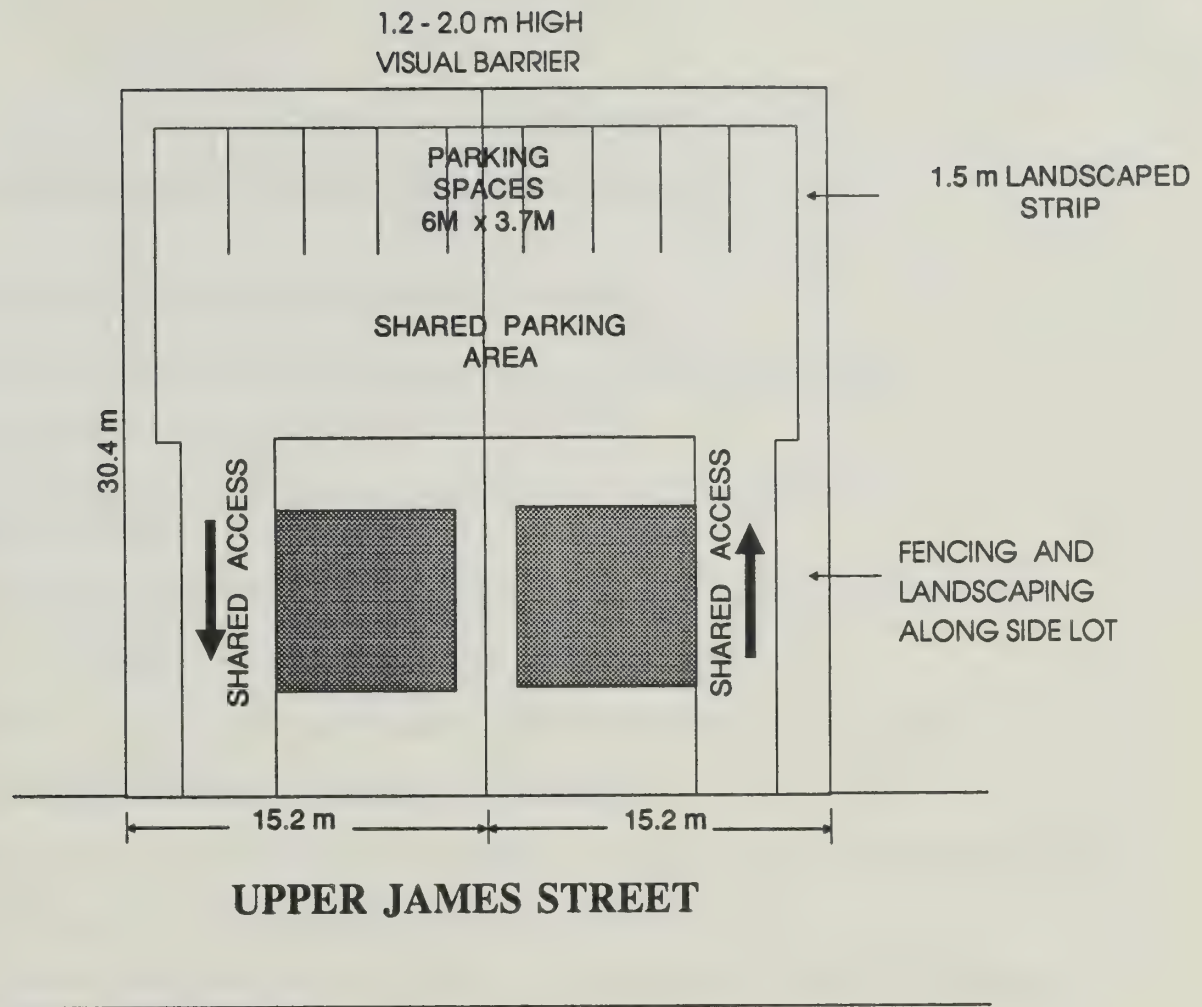
The following development guidelines should be adopted by Council for the study area.

- 1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also

- 1.2 to 2.0 metre high visual barrier; and
 - 1.5 metre landscaped strip along rear and side lot lines.
- 3) Where appropriate, fencing and landscaping should be provided along individual side lot lines to maintain and embellish the overall character of the area. As well as to provide buffering between commercial conversions and existing residential uses.

Examples of site plans for commercial conversions are shown below.





4.0) Conclusion

A Public Meeting (night meeting) should be held to present the findings of this study. As a result of public input, the redevelopment concept can be revised, if necessary, and policies and detailed recommendations for implementation can be formulated. A second Public Meeting will be necessary to consider the final recommendations, as well, Zoning Application ZA 88-124 (on hold pending the outcome of this study) should also be considered at this time.

Detailed Development History

638-672 Upper James Street - North of the Study Area (ZA 80- 31)

The application was denied by Council on the basis of the:

- proliferation of existing commercial development in the surrounding area;
- incompatibility with adjacent land uses;
- creation of traffic hazards given the number of access points onto Upper James (due to individual driveways); and,
- increased traffic generation on local streets due to commercial development.

The appeal was approved by the Ontario Municipal Board, given:

- noise from vehicular traffic has made the occupation of the residences difficult;
- traffic impact on local streets would be insignificant;
- a large percentage of the Upper James Street frontage is used for commercial activities;
- further intrusion into the residential area is unlikely; and,
- impact on abutting residential properties to the rear would be minimal and could be mitigated through buffering.

Accordingly, the OMB directed the City:

- 1) to process an Official Plan Amendment redesignating the subject lands from RESIDENTIAL to COMMERCIAL and creating a Special Policy Area (SPA 19) to allow limited commercial uses within the existing buildings (O.P.A. No. 6);
- 2) to pass an amending zoning by-law:
 - to limit the types of commercial uses to offices, drug stores, grocery stores etc.;
 - to limit these uses to the existing buildings;
 - to require parking at 1 space per 41.8 m² of floor area; and,
 - to allow buildings with the same external dimensions to be built in case of destruction (By-law 83-271); and,
- 3) to place the lands under Site Plan Control (By-law 83-272).

FOR ACTION

8.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: DECEMBER 19, 1989
COMM FILE:
DEPT. FILE: P5-2-5

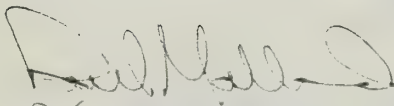
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

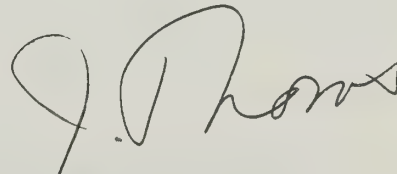
Amendments to Albion Falls Neighbourhood Plan

RECOMMENDATION

That the approved plan for the Albion Falls Neighbourhood be amended, as shown on APPENDIX "1", attached, to reflect proposed pedestrian bridges and closures of roadway sections included in the Red Hill Creek Recreation Master Plan.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Red Hill Creek Recreation Master Plan was prepared to provide a detailed framework to maximize the open space potential within the Red Hill Creek Valley, in the vicinity of the approved roadway facility. The Plan includes pedestrian trails and bridges and year-round recreational facilities. The Plan was finalized during 1988-1989, and underwent public review, submissions and revisions. It received approval from the Parks and Recreation Committee on December 5, 1989, and was adopted by City Council on December 12, 1989.

The Master Plan takes into consideration various recreational needs, including the need for pedestrian crossings of the Proposed Mountain Freeway, both above and below the escarpment. Such crossings, by means of bridges and underpasses, are necessary to access schools, community facilities, etc. There are

also a small number of roadway section closures in the vicinity of the proposed roadway, in locations where grade separations are not warranted.

ANALYSIS

The Neighbourhood Plans for areas addressed by the Master Plan must be amended to reflect these pedestrian crossings and roadway section closures. The only plan which is affected is the approved plan for the Albion Falls Neighbourhood. This plan is proposed to be amended as follows:

- delete a proposed roadway/pedestrian bridge across the Red Hill Creek Freeway, from Kingsview Drive to Mud Street at Pritchard Road, 600 ft. north of Mud Street;
- add a pedestrian overpass over the Red Hill Creek Freeway at the optimum location for the Bruce Trail, north of Mud Street, subject to cost sharing arrangements;
- close the existing Mud Street on the east and west sides of the Freeway;
- provide a pedestrian accessway across the proposed Freeway at Arbour Road, as needed in future to provide access to various recreational areas; and,
- delete a proposed pedestrian access way included in the existing neighbourhood plan, in the vicinity of the C.N.R. Hagersville rail line.

These proposed amendments are indicated on the map APPENDIX "1", attached.

Public input into the Recreation Master Plan, including the above proposals, was obtained by means of a series of public meetings, held in February 1989 and a second series held in August, 1989. At this second set of public meetings, information was presented on the need to amend the Albion Falls Neighbourhood Plan, particularly for the deletion of the proposed Kingsview Drive roadway/pedestrian connection. Also noted was the potential for a pedestrian bridge in this vicinity at the Bruce Trail. No negative comments were received concerning the proposed neighbourhood plan amendments.

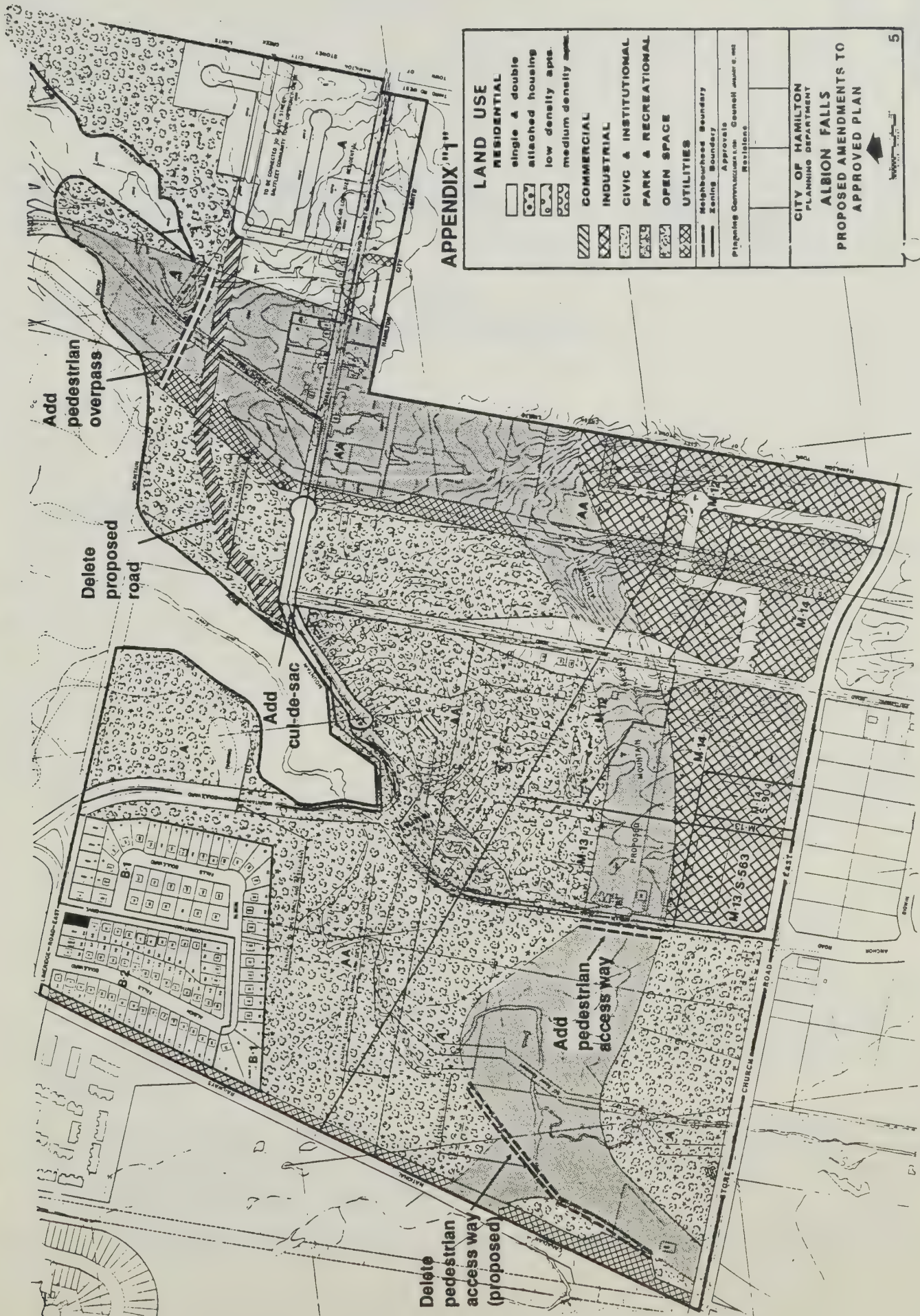
CONCLUSION

The Albion Falls Neighbourhood Plan should be amended to reflect the pedestrian overpasses and roadway section closures as outlined above, to ensure that it is consistent with the approved Recreation Master Plan.

VG/dkp

VG

A:\ALBION



9.

FOR ACTION

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Dec. 14, 1989
COMM FILE:
DEPT FILE: D.6.2/415

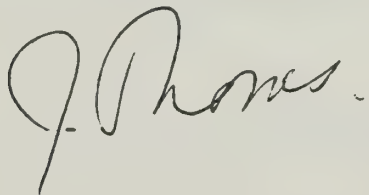
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

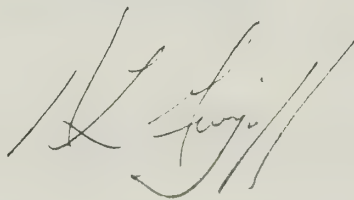
Proposed renaming of a part of Cannon Street West.

RECOMMENDATION:

That the proposed name change to Cannon Boulevard not be recommended for approval.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND:

The Planning and Development Committee approved on October 11, 1989, the following:

That the Planning and Development Department be requested to solicit comments from owners of properties located on Cannon Street West, on that portion between Bay Street North and the intersection of York Boulevard and Queen Street North, respecting a requested street renaming to "Cannon Boulevard".

As requested, a circularization, with an attached reply card, was sent out to residents and owners of properties located on Cannon Street between Caroline Street North and Hess Street which solicited comments on a proposed street name change.

Also requested were comments from the Emergency organizations.

COMMENTS:

The Planning and Development Department sent out 20 circularizations and received 4 replies of which 3 were in favour and 1 was opposed to the proposed street name change.

The Emergency agencies comments, all objecting to the street name change, are attached as Schedule "A", "B", and "C".

CONCLUSION:

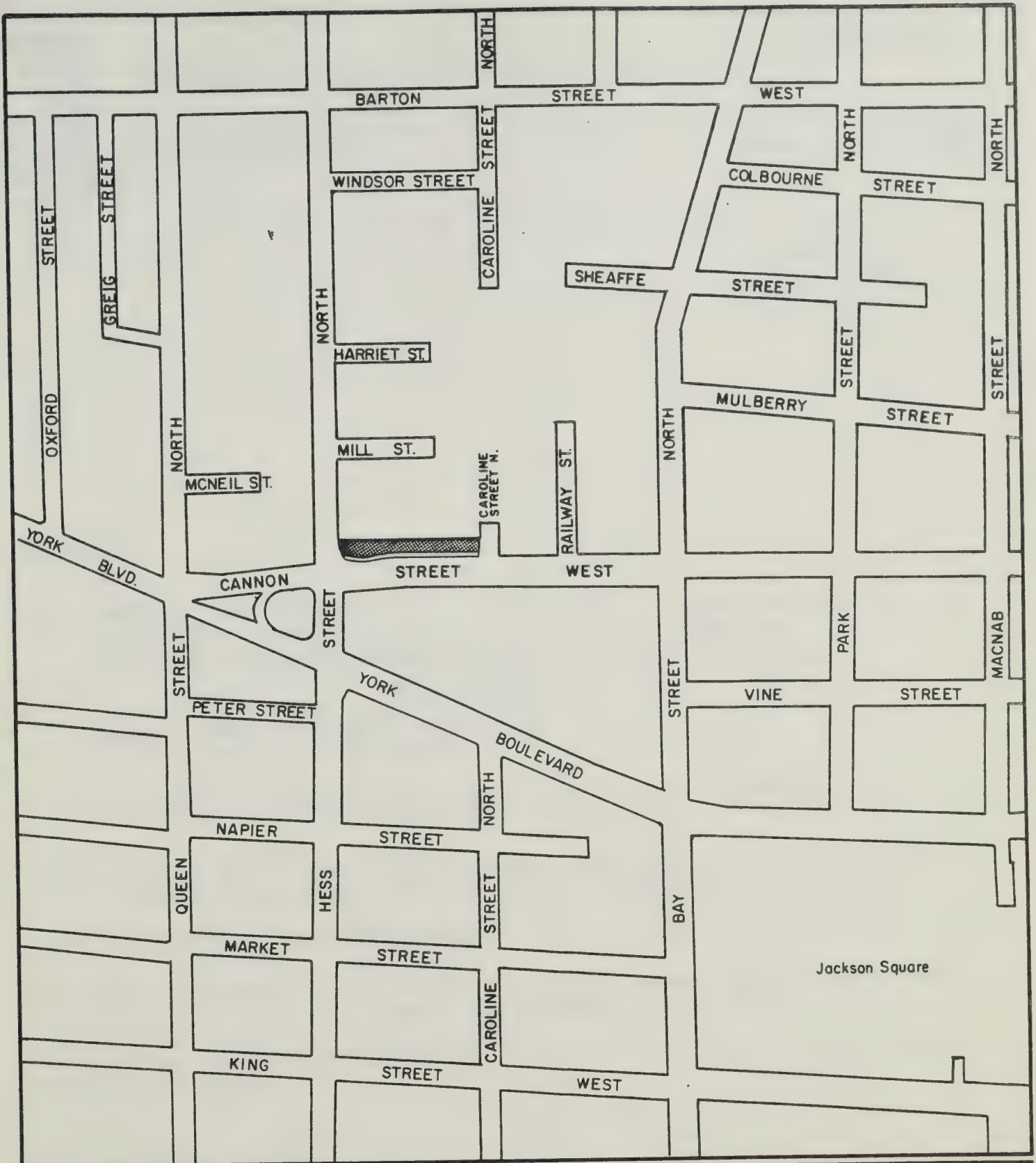
The procedure for street naming requires that streets:

- (1) Be easy to spell;
- (2) Be easy to pronounce;
- (3) Be easy to remember;
- (4) Not be a duplication of an existing street name in the Region;
- (5) Not sound like an existing name;
- (6) Not be offensive to any segment of the population;
- (7) Bear the same name for its entire length within the Region; and,
- (8) Contain one word and the suffix (to avoid confusion if a word is dropped unintentionally from a street name containing more than two words).

The request appears to be in conflict with Items 4 and 7 of the procedure. The request is also opposed by the Emergency agency whose reply is attached as Appendices "A", "B", and "C".

Based on non-compliance with the procedure and the objection of the Emergency organization, this request cannot be supported.

JCS/11
P&DReport
Cannon.JCS



Location Plan For

CANNON STREET WEST

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Proposed Street Name Change
From: "Cannon Street West"
To: "Cannon Boulevard."

North



Scale
N.T.S

Reference File No.
415

Date
SEPT. 13, 1989

Drawing No.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
119 King Street West, 14th floor
Hamilton, Ontario

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

December 5, 1989

Refer to File No. 415
Attention of D.6.2
Your File No.

MEMORANDUM

TO: Hamilton Fire Department - C. F. Wilson, Captain ✓
Regional Police Department - John H. Boniface
Central Ambulance Communication Centre - Roy A. Hurst, Manager

FROM: J. L. Schwarz *J. Schwarz*
Manager, Subdivision and Condominium
Administration Section

Re: Street Name Change under Consideration within the City of Hamilton

Please be notified that the following street name change is being considered by City Council at the request of one of the ward Aldermen:

CANNON STREET WEST to CANNON BOULEVARD. ✓

The change would apply to the part of the street between Hess Street North and Caroline Street North as shown on the attached location plan.

Please advise if this name change is acceptable or provide us with your comments if otherwise.

18
CMD/jd

I object to the above as it goes against the principles of street naming. This would give us Cannon Street (East) + Cannon Blvd.

Dec 6/89 Dave Landon H.F.D



HAMILTON CIVIC HOSPITALS

237 Barton St., E., Hamilton,
Ont. L8L 2X2 (416) 527-0271

*Together in
caring, teaching
and discovery*

Hamilton General Division
237 Barton St., E., Hamilton L8L 2X2 527-0271

Henderson General Division
711 Concession St., Hamilton L8V 1C3 389-4411

C.A.C.C. Hamilton-Wentworth

December 6, 1989 REGIONAL PLANNING BRANCH

Mr. J.L. Schwarz
Manager
Subdivision and Condominium
Administration Section
Regional Municipality of
Hamilton-Wentworth

Dear Mr. Schwarz,

In reference to File No. 415, D.6.2, and the change of name from
Cannon St. West to Cannon Boulevard for one block.

The ambulance dispatch is opposed to such a change. There is enough
difficulty in changing street names for ambulance crews and other
emergency services without changing a street suffix from street to
boulevard. In my opinion it would only cause unnecessary confusion.

Yours sincerely,

Roy A. Hurst
Manager
C.A.C.C. Hamilton-Wentworth

SUBDIVISION AND CONDOMINIUM ADMINISTRATION SECTION	
FILE NO.	415/D.6.2
DATE RECEIVED	DEC 11 1989
TO:	
DIRECTOR D.V. HURST	
MANAGER	JRS JH
STAFF	CHD



Hamilton-Wentworth Regional Police

155 King William Street, P.O. Box 1060, Station A, Hamilton, Ontario, Canada, L8N 4C1 Telephone: (416) 522-4925
Administration Fax: (416) 522-6958 Operations Fax: (416) 522-9199

Chief of Police Colin T. Millar

December 20, 1989.

Attention: Mr. J. L. Schwarz,
Regional Planning

Dear Sir,

In regards to our recent telephone conversation concerning the re-naming of Cannon St. West to that of 'Cannon Blvd.', please be advised that after much thought, I find that I must object.

As officer-in-charge of the Police Communications Branch (which includes the 9-1-1 Bureau), I must assure you that neither my staff nor myself am adverse to change in a contemporary sense, but we do feel that implementing the name change could cause confusion in some emergency situations. For instance:

Many callers into the 9-1-1 Bureau are panic-stricken. These include people from all walks of life, from different cultures and languages, occasionally people in questionable states of sobriety, men, women and children. Often, there is much confusion during these calls for help. Pinpointing precise location is of prime importance. Even if we 'lock in' one of these calls, tracing often takes up to an hour. Valuable time is lost which could mean the difference between life and death be it a Police, Fire or Ambulance call or a combination of any of the three.

In conclusion, it is my opinion that the nomenclature of Cannon St. West/Cannon St. East should not change. Logistically, of course it could be done, but the time taken in re-educating the emergency services and the citizenry could cost lives.

I hope I have been of some help in evaluating the proposal,

Yours truly,

A handwritten signature in cursive script, reading "Jim Willis", is written over the "Yours truly," text.

James G. Willis, Staff Sergeant,
Communications Branch.

FOR ACTION

10.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Miss Charlene Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 December 11

COMM FILE:
DEPT FILE:

SUBJECT: MACNAB - CHARLES HERITAGE
CONSERVATION DISTRICT

RECOMMENDATION:

- (a) That approval be given to designate by By-law the MacNab - Charles Heritage Conservation District (the block bounded by MacNab Street South, Hurst Place, Charles Street and Bold Street with the exception of 131 Charles Street) under Part V of the Ontario Heritage Act.
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this district designated pursuant to the provisions of the Ontario Heritage Act 1983.
- (c) That City Council adopt by resolution the MacNab - Charles Heritage Conservation District Plan.

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

At LACAC's recommendation, City Council passed a By-law which established the block bounded by MacNab Street South, Hurst Place, Charles Street and Bold Street as an area to be examined for future designation as a Heritage Conservation District under Part V of the Ontario Heritage Act.

Subsequently a background study was prepared which recorded and analyzed the district in terms of its architectural, historical and urban design resources. A study of the relative planning policies was also undertaken.

A steering committee of property owners was then established to meet with Planning Department staff and advise them on the preparation of the MacNab - Charles Heritage Conservation District Plan.

BACKGROUND (Continued)

The MacNab - Charles Heritage Conservation District Plan was prepared to provide a plan of management for the district in the future. The plan addresses a number of issues dealing with architectural conservation, new development, commercial conversion, the adjacent railway and underpass, and potential urban design features.

Both the district designation and the plan were approved by the MacNab - Charles District Steering Committee on 1989 October 23rd with the provision that the property at 131 Charles Street be excluded from the district designation at the owner's request. There is a provision in the plan which encourages and provides the procedure for adding the property at 131 Charles Street to the district at a later date.

The background study and plan have been circulated to the Planning Department and other City Departments for comment.

On 1989 November 15th the Research Sub-Committee voted to recommend approval of the MacNab - Charles Heritage Conservation District designation and plan to LACAC.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1989 December 18

COMM FILE:

DEPT FILE: ZA-89-86

Gurnett

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - No. 780 Upper Paradise Road.

RECOMMENDATION

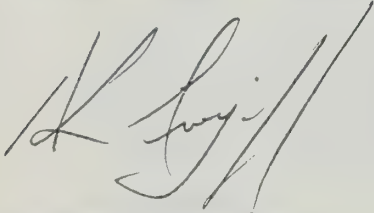
That approval be given to amended Zoning Application 89-86, Renata Golba and Miroslaw Chuchla, owners, requesting a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District to permit a multiple dwelling having a maximum of four dwelling units, for property located at No. 780 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37B for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- iv) That the approved Gurnett Neighbourhood Plan be amended by redesignating the lands to "ATTACHED HOUSING".

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District for property located at No. 780 Upper Paradise Road, as shown on the attached map.

The effect of the proposed change in zoning is to permit the construction of a multiple dwelling having a maximum of four (4) dwelling units. The existing building would be demolished.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to construct a multiple dwelling having a maximum of four dwelling units.

APPLICANTS

Renata Golba and Miroslaw Chuchla, owners.

LOT SIZE AND AREA

The lot is rectangular in shape and has:

- o 26.52 m (87 feet) of lot frontage on Upper Paradise Road;
- o 42.67 m (140 feet) of lot depth; and,
- o 1,131.52 m² (12,180 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family residence	"AA" (Agricultural) District

Surrounding Lands

to the north	driveway and single-family residence	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District modified and "AA" (Agricultural) District
to the south	single-family residence and townhouses	"AA" (Agricultural) District and "RT-10" (Townhouse) District
to the west	townhouses	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District modified
to the east	single-family residences	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies among others, are applicable:

- "A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses."

The proposal does not comply with the approved Gurnett Neighbourhood Plan, which designates the land for "SINGLE and DOUBLE RESIDENTIAL". Approval of the application would require a redesignation to "ATTACHED HOUSING".

Policy D2.2 of the Official Plan states:

"2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN."

The proposal, therefore, does not comply with the intent of the Official Plan. The proposal will comply with the intent of the Official Plan upon the amendment of the Neighbourhood Plan.

COMMENTS RECEIVED

- o The following agencies have no comment or objection:
 - Local Architectural Conservation Advisory Committee Staff; and,
 - Hamilton Region Conservation Authority.
- o The Traffic Department has advised that the application is "satisfactory."
- o The Building Department has advised that:
 - "1. The required rear yard is 7.5 m (24.61 feet), shown is 10'0".
 - 2. Parking spaces 6,7,8 and 9 are not allowed.
 - 3. The 5th required space must be 2.7 m (8.86 feet) x 6.0 m (19.69 feet)".
- o To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

COMMENTS

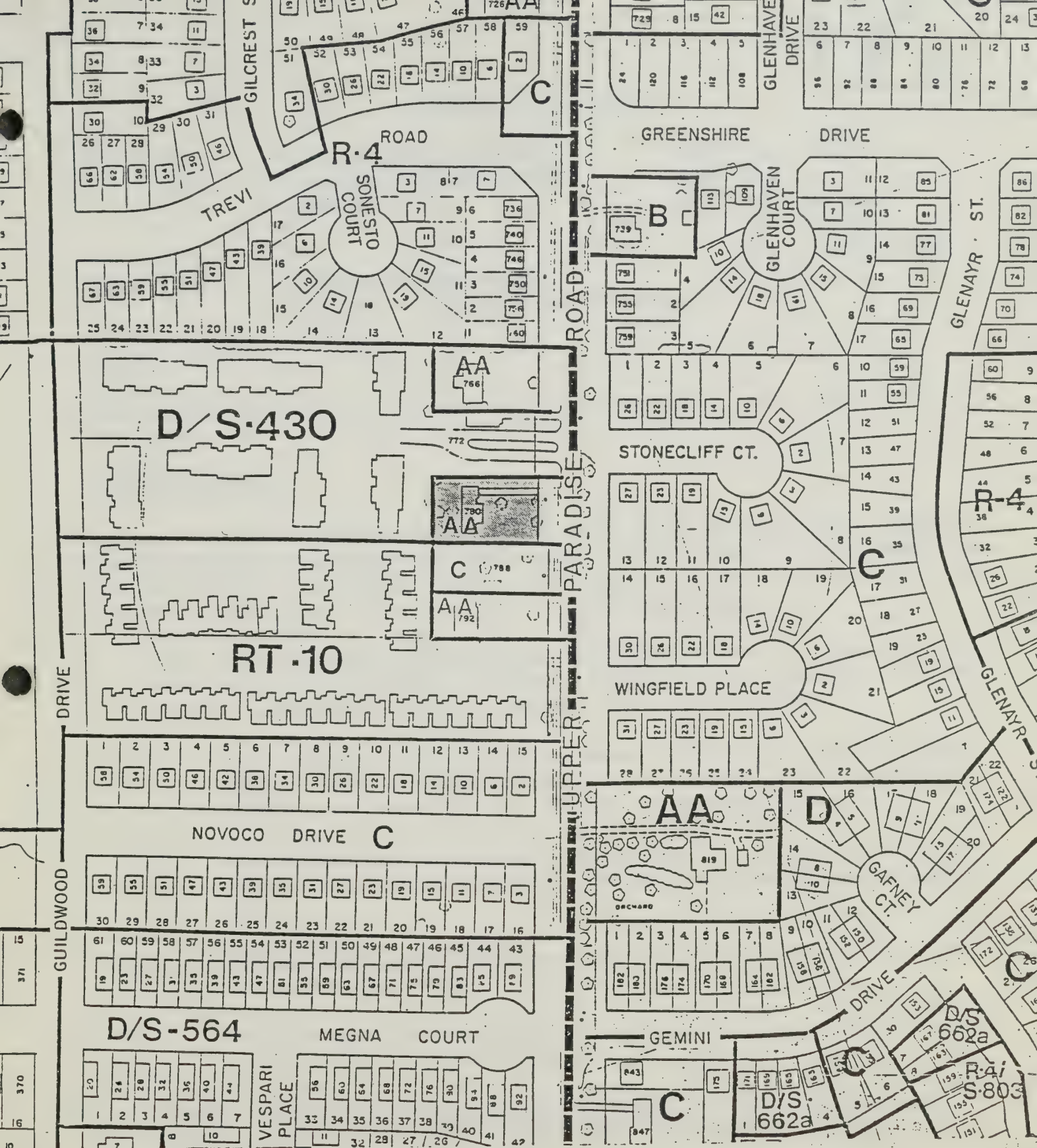
1. The proposal does not comply with the intent of the Official Plan. The proposal also conflicts with the intent of the approved Gurnett Neighbourhood Plan. Approval of the application would require a redesignation to "ATTACHED HOUSING" on the Neighbourhood Plan. Upon the redesignation of the lands in the Neighbourhood Plan, the proposal will comply with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it would be compatible with existing development and would maintain the character of the area which is predominated by townhouse development to the west;

- ii) the proposed development integrates with the adjoining development in terms of height, bulk, and arrangement of buildings; and,
 - iii) the subject property fronts onto an arterial road (Upper Paradise Road), for which multiple dwellings are appropriate.
4. The "DE" (Low Density Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-223. Issues such as landscaping, parking, and access will be addressed at that stage of development approval.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT/ma
WPZA8986



LEGEND



SITE OF THE APPLICATION



FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1989 December 18
COMM FILE:
DEPT FILE: ZA-89-97
Lawfield
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Amended application for a further modification to the established zoning - property located at No. 1000 Upper Gage Avenue.

RECOMMENDATION:

That approval be given to amended Zoning Application 89-97, Joseph Greenbaum, owner, requesting a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a shopping centre identification sign on property located at No. 1000 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593, as amended by By-law No. 86-115, applicable to the subject lands, be further modified to include the following variances as special provisions:
 1. That notwithstanding the provisions of Section 13.(1) of Zoning By-law No. 6593 a shopping centre identification sign having a maximum sign area of 12 m² shall be permitted subject to the provisions of Section 13A(1)(xii) 3 and 5;
 2. That notwithstanding the provisions of Section 13.(3) of Zoning By-law No. 6593 the shopping centre identification sign shall be set back a minimum of 3.0 m from any street line;
 3. That the shopping centre identification sign shall be set back a minimum of 3.0 m from the nearest access driveway;
 4. That the shopping centre identification sign shall have a minimum clear height of 3.0 m from the ground to the bottom of the sign.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-156C, and that the subject lands on Zoning District Map E-38A be notated S-156C;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38A for presentation to City Council;

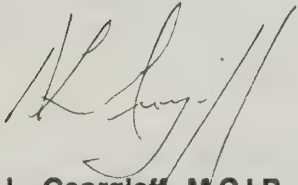
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, applicable to property located at No. 1000 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a shopping centre identification sign to be located on the site subject to the following restrictions:

- a maximum sign area of 12 m²;
- the sign shall be located at a distance of not less than 3.0 m from a street-line or access driveway; and
- the sign shall have a height of at least 3.0 m from the ground to the bottom of the sign.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

It is the applicant's intention to amend the "G" (Neighbourhood Shopping Centre, etc.) District regulations to allow a shopping centre identification sign to identify the shopping centre and businesses located within the complex. The proposed shopping centre identification sign will be located along the Upper Gage Avenue frontage of the site and is shown on the attached map marked as APPENDIX "A".

- Committee of Adjustment (A:88-3)

At its meeting held on June 23, 1988 the Committee of Adjustment considered and approved minor variance application A:88-3 to permit a shopping centre identification sign on lands located immediately to the south of the subject lands at No. 1050 Upper Gage Avenue.

APPLICANT

Joseph Greenbaum, owner.

LOT SIZE AND AREA

- 118.48 m (388.72 ft.) of lot frontage on Upper Gage Avenue;
- 88.44 m (290.17 ft.) of lot depth; and,
- 10,478.5 m² (2.58 ac.)

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Commercial	"G" (Neighbourhood Shopping Centre) District
<u>Subject Lands</u>		
to the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Commercial	"G" (Neighbourhood Shopping Centre) District
to the east	Townhouses and Single-Family Dwellings	"DE" (Low Density Multiple Dwellings) District and "C" (Urban Protected Residential, etc.) District
to the west	School and Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL". The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" in the approved Lawfield Neighbourhood Plan. The proposal complies.

RESULTS OF CIRCULARIZATION

- The Building Department has advised that:

"A ground sign is not a permitted use."

- The Traffic Department has advised that:

"We approve of the noted location of the pylon sign on the north side of the entrance at Gage Avenue. However, we would like to be informed of the exact location with respect to road allowance".

- Hamilton Region Conservation Authority and The Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has verbally advised that:

The proposed sign location is acceptable providing that it is set back a minimum of 3.0 m from the road allowance as widened, and is at least 3.0 m from the access driveway. As a condition of approval the applicant should submit a site plan for the sign.

In addition, the following comments were received:

"Please be advised that watermains as well as separate storm and sanitary sewers are available for this development.

The designated road allowance width of Upper Gage Avenue is 36.58 meters (120 feet). The Region previously acquired the required road allowance widenings through subdivision plan M-119.

We do not anticipate any further road allowance widenings at this time. In the absence of any details shown, we advise that any works within the adjacent road allowance must conform to the respective Streets By-laws."

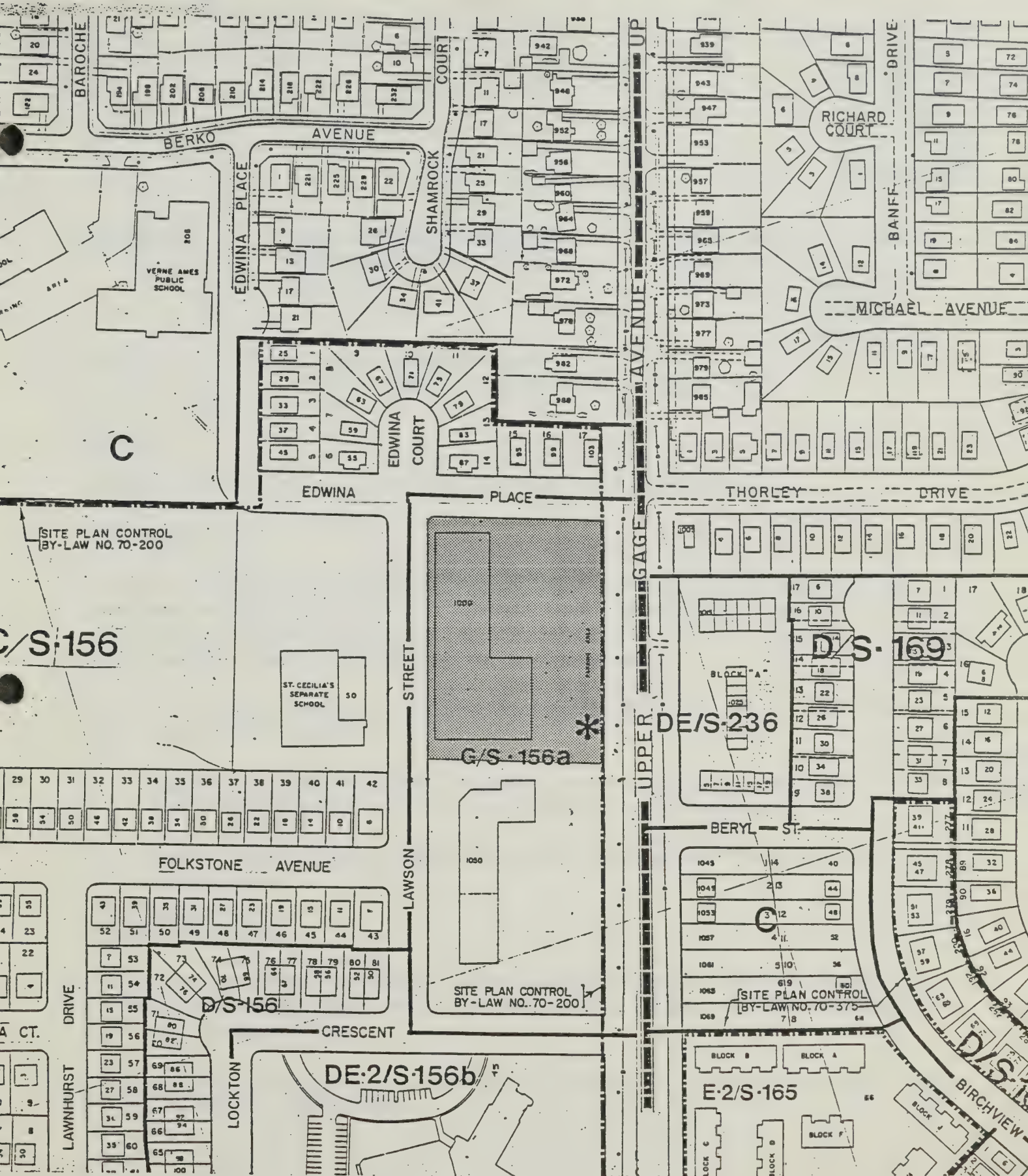
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Lawfield Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the site is situated on a major arterial road (Upper Gage Avenue) and adjoins another commercial site which has a shopping centre identification sign;
 - the Committee of Adjustment considered and approved a minor variance application (A-88:3) to permit a shopping centre identification sign on the adjoining "G" (Neighbourhood Shopping Centre, etc.) District zoned lands to the south at No. 1050 Upper Gage Avenue;
 - the "G" (Neighbourhood Shopping Centre, etc.) District sites located at No. 1000 and No. 1050 Upper Gage Avenue have a combined lot area of 5.319 acres which is representative of a community type shopping centre development under the "G-1" (Designed Shopping Centre) District regulations which would permit shopping centre identification signs as-of-right;
 - it would have minimal impact on surrounding development as the sign would be near the centre of the commercial block of land adjacent to the established access driveway, and within close proximity to the existing shopping centre sign located on the adjacent site.
4. On the basis of the foregoing comments, it is suggested that a shopping centre identification sign having a maximum sign area of 12 m² be permitted subject to Section 13A(1), (xii) 3 and 5, (the "G-1" District) of the Zoning By-law. Furthermore, as recommended by the Traffic Department and the Hamilton-Wentworth Engineering Department, the amending By-law should also contain a restriction to establish a minimum setback from the nearest street line or access driveway of 3.0 m, and have a clear height of 3.0 m from the ground to the bottom of the sign.
5. Development of lands within a "G" (Neighbourhood Shopping Centre, etc.) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-273. In this regard, the applicant is required to submit a site plan showing the location and details of the sign. (i.e. height, sign areas, etc.)

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA8997



Legend



Site of the Application



Location of Proposed Pylon Sign



13.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: December 13, 1989

COMM FILE:

DEPT FILE: ZA-89-106
Barnstown
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - lands at the rear of No. 323 Rymal Road East.

RECOMMENDATION

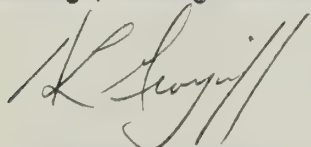
That approval be given to amended Zoning Application 89-106, Eric Miles, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development for property located at the rear of No. 323 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 323 Rymal Road East, as shown on the attached map.

The effect of the By-law is to sever the subject property to create four (4) building lots for single-family dwellings, fronting onto Bastille Street.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

It is the applicant's intention to sever four lots at the rear of the property for single-family dwellings.

● ZA-89-93 - lands at the rear of No. 311 Rymal Road East

At its meeting held on November 29, 1989, the Planning and Development Committee approved Zoning Application 89-93 for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for No. 311 Rymal Road East. The effect of the change in zoning is to permit the development of the lands for single-family residences.

APPLICANT

Eric A. Miles, owner.

LOT SIZE AND AREA

The subject property is rectangular in shape and has:

- 56.59 m (185.67 feet) of lot frontage on Bastille Street;
- 32.92 m (108 feet) of lot depth; and,
- 1,862.94 m² (20,053.21 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	wood barn and vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"C" (Urban Protected Residential, etc.) District

to the south	single-family dwelling	"AA" (Agricultural) District
to the west	single-family residence	"B" (Suburban Agriculture and Residential, etc.) District (Note: pending a change to "C" District)
to the east	vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policy, among others, is applicable:

- "A.2.1.1 The primary uses in the permitted areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

The lands to the north are zoned "C" (Urban Protected Residential, etc.) District and the lands to the west are in the process of being rezoned to "C" (Urban Protected Residential, etc.) District. The rezoning of the subject lands would be in character with the planned development to the north and west. The proposal, therefore, complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Barnstown Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The following agencies have no comments or objection:
 - Building Department; and
 - Hamilton Region Conservation Authority.
- The Traffic Department has advised that:

"...please be advised that we have reviewed the above noted application and find it satisfactory subject to the condition that future severances access the proposed roadway to the north of the property."
- To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

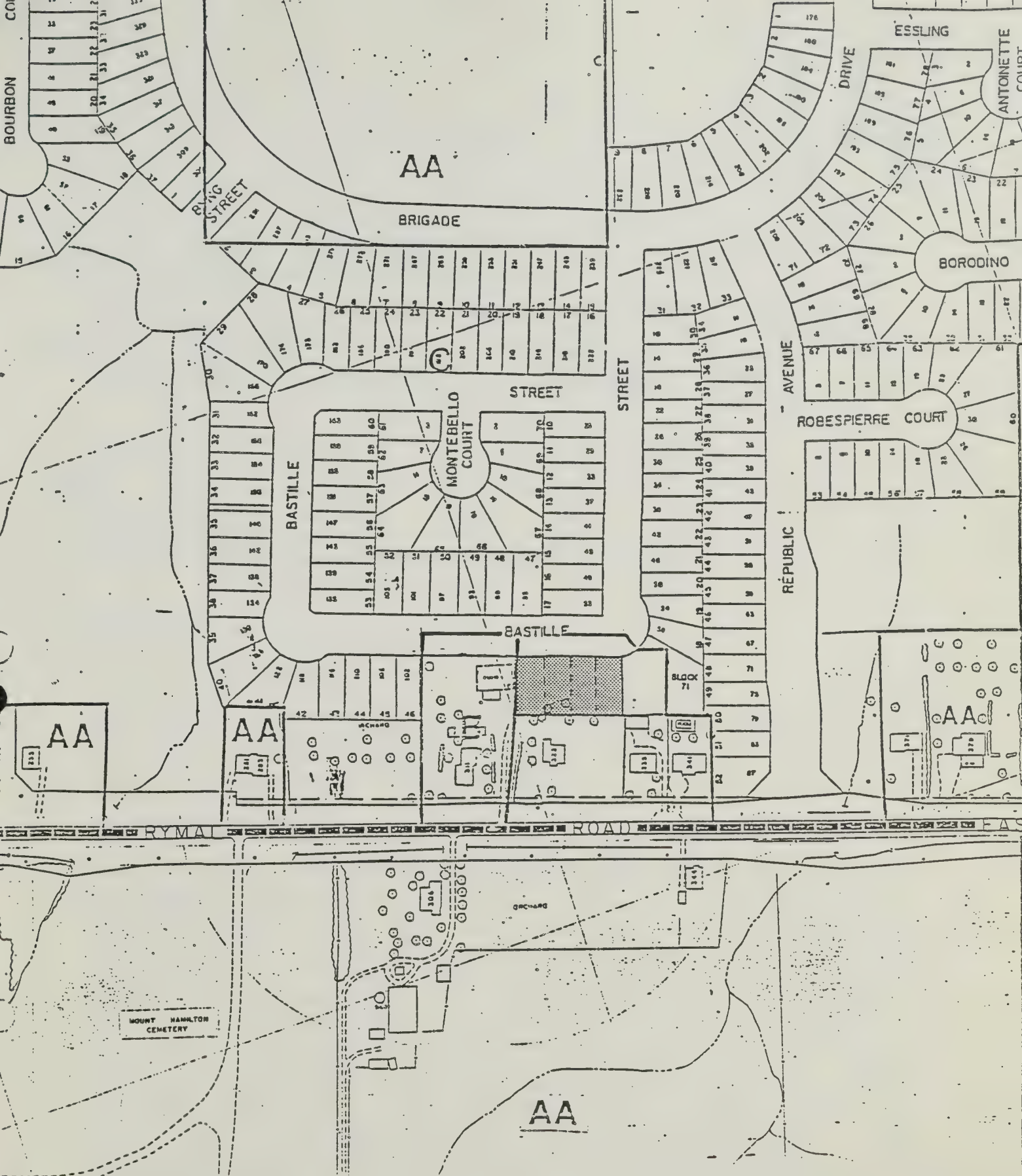
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Barnstown Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the approved Barnstown Neighbourhood Plan;
 - ii) the proposed change in zoning is consistent with the current and future planned development for the area; and,
 - iii) the requested change in zoning is appropriate for the proposed development.
4. The applicant will have to apply to the Land Division Committee for consent to sever the proposed four lots. The concerns of the Traffic Department regarding access can be addressed when the applicant applies to sever the lots.
5. The applicant has advised that the wood barn on the subject lands is 150 years old. He should be encouraged to discuss means of maintaining and preserving this building with the staff of the Local Architectural Conservation Advisory Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

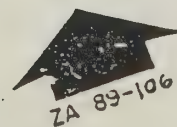
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Legend



Site of the Application



APPENDIX A

FOR ACTION

14.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 DECEMBER 20
COMM FILE:
DEPT FILES: ZA-89-42
SA-89-13
25T-89022

SUBJECT

Proposed Official Plan Amendment
Proposed Rezoning Application
Proposed Draft Plan of Subdivision "Rymal Square Estates"

RECOMMENDATION

1) Official Plan Amendment

That approval be given to Official Plan Amendment No. to redesignate the northerly portion of Block "1" from "Utilities" to "Residential" and the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.

2) Rezoning Application

That approval be given to amended Zoning Application 89-42, Rymal Square Developments Inc., owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Blocks "1" and "2"), "R-4" (Small Lot Single-Family Detached) District (Block "3"), "RT-20" (Townhouse-Maisonette) District modified (Blocks "4", "5", "6" and "7"), "DE-3" (Multiple Dwellings) District (Blocks "8", "9" and "10"), "E-2" (Multiple Dwellings) District (Blocks "11", "12" and "13"), and "G-1" (Designed Shopping Centres) District (Block "14"), to permit the development of the subject lands for single-family dwellings (Blocks "1" and "2"), small lot single-family dwellings (Block "3"), townhouses (Blocks "4" to "7"), low density apartments (Blocks "8" to "10"), medium density apartments (Blocks "11" to "13") and a shopping plaza (Block "14" in conjunction with the lands to the south), for the lands north of Rymal Road East between Upper Sherman Avenue and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

- iii) That Blocks "4", "5", "6" and "7" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- iv) That Blocks "8", "9" and "10" be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- v) That Blocks "11", "12" and "13" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;
- vi) That Block "14" be rezoned from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District;
- vii) That the "RT-20" (Townhouse - Maisonette) District regulations contained in Section 10E of Zoning By-law No. 6593, applicable to Blocks "4", "5", "6" and "7", be modified to include the following variance as a special requirement:
 - a) That Section 10E (2)(a)(3) shall be prohibited.
- viii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that Blocks "4", "5", "6" and "7" on Zoning District Map E-27D be notated S- ;
- ix) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning district Map E-27D for presentation to City Council;
- x) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
- xi) That the Neighbourhood Plan be amended accordingly.

EXPLANATORY NOTE

The purpose of the By-law is to provide for changes in zoning for the lands located north of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue as shown on the attached map, on the following basis:

Change in Zoning from "AA" (Agricultural) District to:

Blocks "1" and "2"	- "C" Urban Protected Residential, etc.) District
Block "3"	- "R-4" (Small Lot Single-Family Detached) District;
Blocks "4" to "7"	- "RT-20" (Townhouse-Maisonette) District modified;
Blocks "8" to "10"	- "DE-3" (Multiple Dwellings) District;
Blocks "11" to "13"	- "E-2" (Multiple Dwellings) District;
Block "14"	- "G-1" (Designed Shopping Centres) District.

The effect of the by-law is to permit the development of the subject lands for:

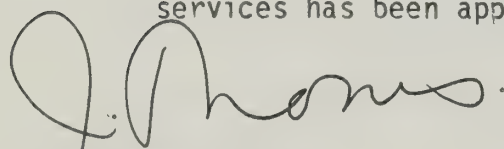
- Blocks "1" and "2" - single-family dwellings;
- Block "3" - small lot single-family dwellings;
- Blocks "4" to "7" - townhouses and maisonettes (no street townhouses);
- Blocks "8" to "10" - low density apartments;
- Blocks "11" to "13" - medium density apartments;
- Block "14" - shopping centre (in conjunction with lands to the south).

3) Subdivision Application

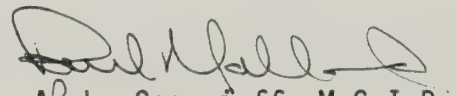
a) That approval be given to Application SA-89-13, Rymal Square Developments Inc, owner, to establish a draft plan of subdivision north of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue, subject to the following conditions:

1. That the approval apply to the plan prepared by MacKay, MacKay and Peters Ltd., dated March 15, 1989, revised to show 174 lots for single-family dwellings, 50 lots for small lot single-family dwellings, Blocks "230", "231", "234" and "235" for townhouse and maisonette development, Blocks "225", "229" and "233" for low density apartments, Blocks "226", "227" and "228" for medium density apartments, Block "232" for a shopping centre, Blocks "236" and "237" for development with adjacent lands, Blocks "238" to "241" inclusive for road widenings, and Block "242" as a planting strip (in conjunction with Block "232").
2. That all streets within the final plan be established to their full required width either through acquisition by the owner or where required by By-law of the City of Hamilton.
3. That Street "B" align with the sewer easement shown on Sewer Plan 88-S-56 east of Upper Wentworth Street.
4. That the streets and the street widenings and daylighting for Rymal Road East, Upper Wentworth Street and Upper Sherman Avenue be dedicated to the City of Hamilton as public highways on the final plan.
5. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
6. That the final plan conform with the Zoning By-law approved under The Planning Act.
7. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
8. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

9. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 10. That Blocks "236" and "237" be developed with abutting lands.
 11. That any dead-ends and open sides of the road allowances created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.
 12. That 2m x 2m daylight triangles be established on all L-shaped streets.
 13. That the streets align with those to be established by the plan to the north.
 14. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 15. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-13), Rymal Square Developments Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Rymal Square Developments Inc., c/o A. Weisz, Hamilton, Ontario

Surveyor

MacKay, MacKay and Peters Limited, Hamilton, Ontario

Location

The lands, comprising 19.42 ha, are located on the north side of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood, City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant parcels, single and two family dwellings	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant parcel and a high school	"AA" (Agricultural) District "D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses etc.) District "RT-20 (Townhouse-Maisonette) District
to the south	vacant parcel and single-family dwellings	"AA" (Agricultural) District
to the east	single-family dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District "G-1" (Designed Shopping Centre) District
to the west	vacant parcels	"RT-20" (Townhouse-Maisonette) District "RT-30" (StreetTownhouse District) "E-2" (Multiple Dwellings) District "G-1" (Designed Shopping Centre) District

PROPOSAL - SUBDIVISION

The owner proposes to subdivide the lands into 176 lots (as revised, now 174 lots) for single-family dwellings, 58 lots (now 50 lots) for "zero lot-line" single-family dwellings, 4 blocks for townhouse development, 6 blocks for apartment development and a block for commercial development, with an abutting block to be used as a planting strip. The lots will be serviced from new streets extending from Rymal Road and Upper Wentworth Street. The minimum lot size proposed for the single-family dwellings has a width of 12.2m and an area of 372m² and for "zero lot-line" dwellings, a width of 9.1m and an area of 278m².

PROPOSAL - ZONING

The owner agreed to amend his original application by deleting Street Townhouses from the "RT-20" District which is now modified. A further amendment was agreed upon which added lands to the "G-1" District to provide a depth of 133.82m for the commercial block on (Highway No. 53) Rymal Road East.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Areas - Residential and Related Uses". The proposal complies (subject to local Official Plan and Neighbourhood Plan amendments).

City of Hamilton Official Plan - Block "1" is designated both "Residential" and "Utilities" on Schedule "A" and the remaining Blocks are designated "Residential". The following policies, among others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as Residential will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all Residential areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of Residential types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

- A.2.7.1 The primary uses permitted in the areas designated on Schedule "A" as Utilities will be for passenger terminals; freight handling facilities and related storage; railway, warehousing and associated parking areas; electric power facilities; pipelines and natural gas lines; and major road facilities. Recognizing the difficulty of predicting the advent of new Utilities, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified."

The proposal complies, in part, with the Official Plan. An Official Plan Amendment is required to redesignate the northerly part of Block "1" from "Utilities" to "Residential".

NEIGHBOURHOOD PLAN

The proposal complies, in part, with the intent of the approved Butler Neighbourhood Plan. Redesignations are required on the following basis to permit the proposal:

<u>Location:</u>	<u>From:</u>	<u>To:</u>
Block "1" (northerly portion)	Utilities	Single and Double Housing
Block "3" (northerly portion)	Attached Housing	Single and Double Housing
Block "4"	Low Density Apartments	Attached Housing
Block "7"	Single and Double Housing	Attached Housing
Blocks "9" and "10" (northerly portion)	Attached Housing	Low Density Apartments
Block "10" (southerly portion)	Single and Double Housing	Low Density Apartments
Blocks "11", "12" (northerly portions) and "13"	Attached Housing	Medium Density Apartments
Blocks "11" and "12" (southerly portion)	Low Density Apartments	Medium Density Apartments
Block "14"	Single and Double Housing	Commercial (provision of a landscape strip)

Zoning - with the exception of the proposed commercial block which is zoned for commercial uses, the lands are zoned "AA" (Agricultural) District. An amendment to the Zoning By-law is required to permit the bulk of the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

1. Zoning Application:

The following Departments and agencies have no comments or objections:

- Hamilton Region Conservation Authority;
- Building Department;
- Engineering.

The Traffic Department has verbally advised that they are not in favour of street townhouses for Blocks "4" to "7".

2. Subdivision Application:

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs;
Ministry of Transportation;
Ministry of the Environment (subject to possible noise conditions for blocks abutting Rymal Road, Upper Wentworth Street and Upper Sherman Avenue);
Ministry of Culture and Communications (subject to standard archaeological conditions);
Hamilton Region Conservation Authority;
Union Gas, Bell Telephone;
Regional Economic Development Department;
City of Hamilton Board of Education;
City of Hamilton Building Department (subject to rezoning);
Ontario Hydro - Toronto (subject to standard conditions for proposals abutting Hydro property);
City Traffic Department (subject to concern re overlapping driveways on "zero lot-line" properties).

The Hamilton-Wentworth Department of Engineering - has submitted the following comments and recommendations (on the basis of the original proposal):

- 1) It is recommended that sufficient lands be dedicated for road widening purposes as follows:

- a) to establish the property line 18.29m from the centre line of the original Upper Wentworth Street and Rymal Road road allowances on both Upper Wentworth Street and Rymal Road.
 - b) to establish the property line 15.24m from the centre line of the original Upper Sherman Avenue road allowance.
 - c) to establish 12.19m X 12.19m daylight triangles at the widened limit of Rymal Road and Upper Wentworth Street and Rymal Road and Upper Sherman Avenue.
- 2) It is recommended that 9m R transitions into and out of the cul-de-sac bulb be established.
 - 3) A 12.19m X 12.19m daylight triangle must be established on Street "C" which is part of Ontario Hydro lands.
 - 4) It is recommended that a 30m tangent curve be established between the two curves on Acadia Drive, if possible.
 - 5) It is recommended that Acadia Drive, Fano Drive and Corinaldo Drive line up centre line to centre line with the development to the north, Stoneridge Estates.
 - 6) Moratta Street must be established as per reference Plan 62R-9968, and the draft reference plan #S-7165 as prepared by J. David Peters, O.L.S.
 - 7) Street "B" should align with the future street on the west side of Upper Wentworth Street.
 - 8) Acadia Drive must be established to its full width of 20m east of the Hydro lands.
 - 9) 2m X 2m daylight triangles are required on all L-shaped roadways.
 - 10) The owner must enter into Subdivision Agreements with both the Region and City prior to the development of any portion of these lands.
 - 11) The Region will require 12m wide sewer easements as follows:
 - a) From Block "242" to Acadia Drive in the vicinity of Lot 119.
 - b) Along the north limits of Blocks "238" and "239" to Acadia Drive.
 - 12) It is recommended that a public walkway be established in the vicinity of Lots 27 and 28 as per the approved Butler neighbourhood plan.

For your information:

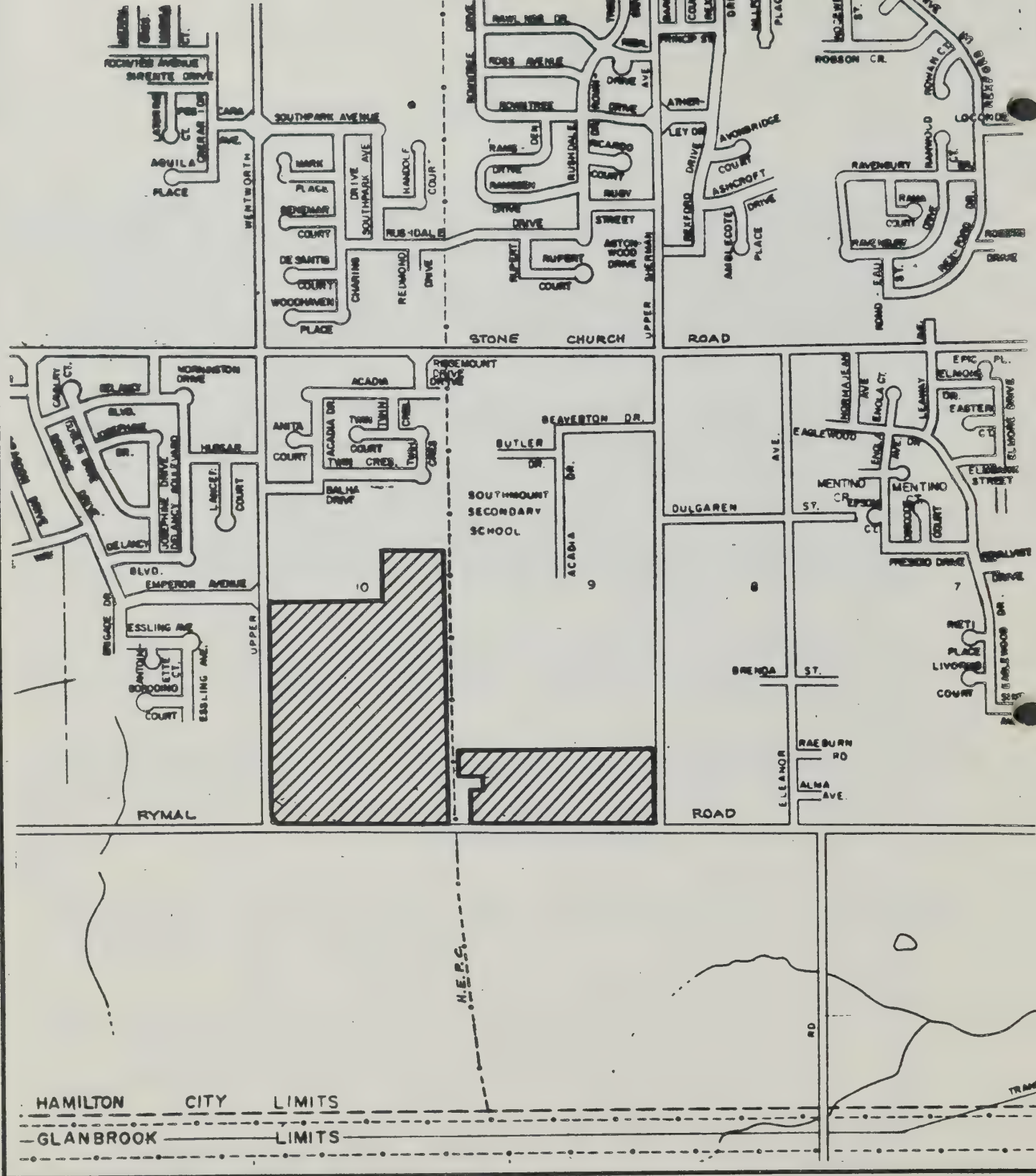
1. Storm and Sanitary sewers are available to service the subject lands.
2. The development is serviceable for water. It is expected the Region will be cost sharing for oversized watermain and this is estimated to be approximately \$105,000.00.
3. You may wish to inform the developer that the future widening and reconstruction of Rymal Road and Upper Wentworth Street may include raised concrete medians which may restrict access.
4. It would appear that the south-east section of the plan submitted does not conform to the Butler approved neighbourhood plan.
5. The owner is advised that any roadway improvements required on Rymal Road and Upper Wentworth Street due to the development of Block "242" (commercial) may be at his expense.
6. The owner may wish to contact Ontario Hydro for comments related to setbacks and clearances.
7. The submitted plan as prepared by J. David Peters, O.L.S. and dated March 15, 1989, is satisfactory to the Department of Engineering subject to the above-noted comments and recommendations.

COMMENTS

- 1) The proposal complies, in part, with the Official Plan. An Official Plan Amendment is required to redesignate the northern portion of Block "1" from "Utilities" to "Residential".
- 2) The proposal complies, in part, with the approved Butler Neighbourhood Plan. Amendments will be required to permit the proposal.
- 3) The proposal could be approved for the following reasons:
 - a) it provides for a variety of housing types in the neighbourhood including single-family dwellings on the interior and higher densities on the periphery;
 - b) it reflects the intent of the Official Plan and approved Neighbourhood Plan with the exception of the minor amendments;
 - c) Block "14" is a small parcel of land (3.0m x 342m) which is to be added to the lands to the south which are zoned "G-1". In addition, a 6.0m wide landscaped strip will be provided along the northerly lot line of the future proposed commercial block.

- 4) The Traffic Department has advised that they do not support street townhouse development for Blocks "4", "5", "6" and "7" due to the potential number of vehicular accesses onto Upper Wentworth Street and Rymal Road East which are major arterial roads. In this regard, it would be appropriate to prohibit street townhouses on these lands. The Building Department has advised that street townhouses are not permitted in the "DE-3" or "E-2" Districts.
- 5) Under the "RT-20", "DE-3", "E-2" and "G-1" District regulations, the lands are subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. Matters such as access, landscaping, parking, etc. will be dealt with during the site plan approval process.
- 6) Lots 104 to 153 inclusive are intended for "zero lot-line" single-family dwellings under the "R-4" (Small Lot Single-Family Detached) District zoning category. The lots proposed have a sufficient width to meet the Zoning By-law requirements.
- 7) As no part of the subject land is designated for park or recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
- 8) The requirements of the Ministry of the Environment, Ministry of Culture and Communications and Ontario Hydro - Toronto, can be implemented through the conditions of draft approval to be established by the Commissioner of Planning and Development.

CMD/jd



Location Plan For

RYMAL SQUARE ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

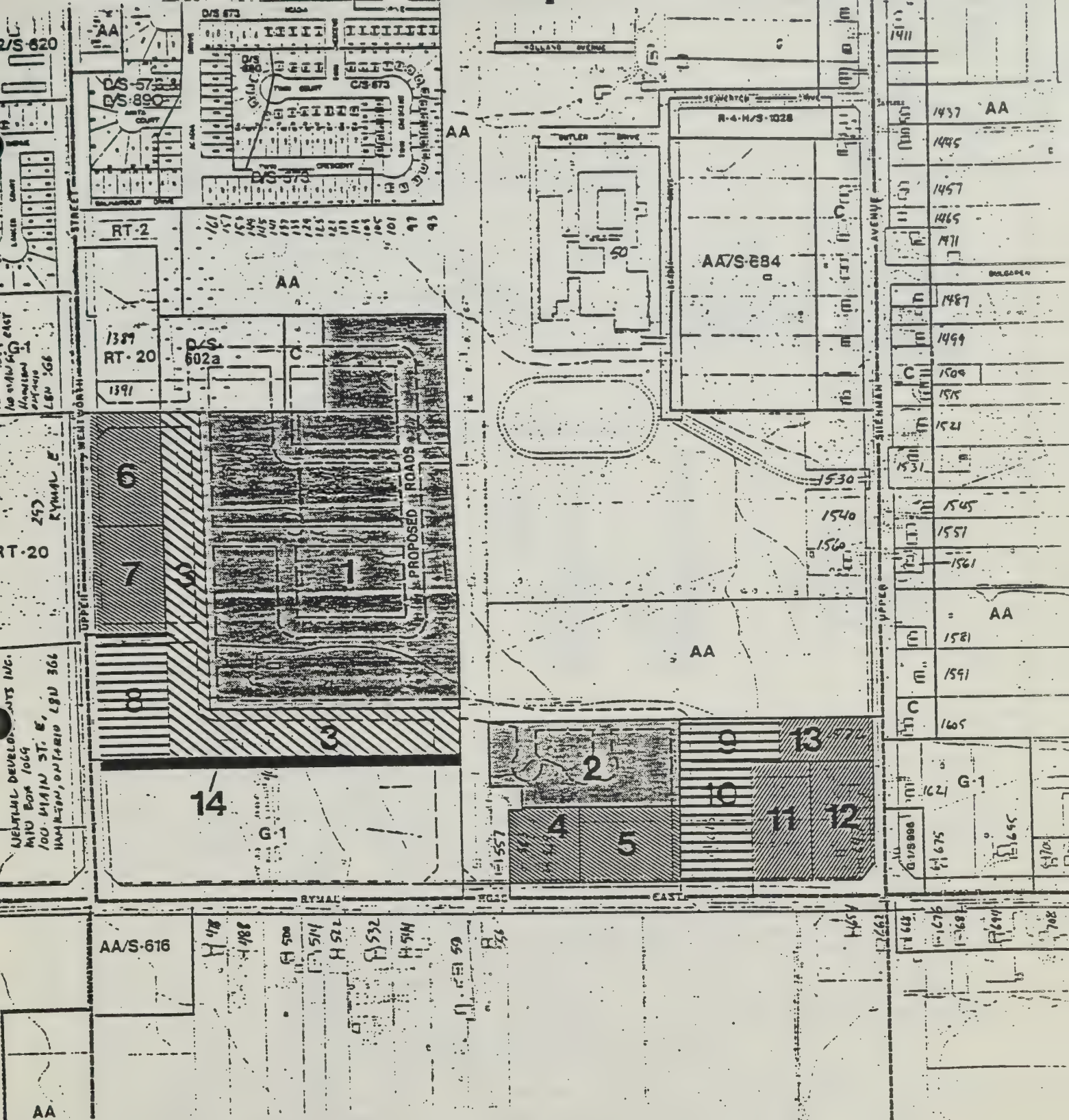


Scale
N.T.S.

Date
JULY 27, 1989

Reference File No.
25T-89022

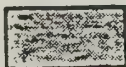
Drawing No.



Legend

Proposed change in zoning: from "AA"(Agricultural) District to:

LOCKS 1&2



"C"(Urban Protected Residential, etc.) District.

LOCK 3



"R-4"(Small Lot Single-Family Detached) District.

LOCKS 4,5,6,&7



"RT-20"(Townhouse-Maisonette) District, Modified

LOCKS 8,9,&10



"DE-3"(Multiple Dwellings) District.

LOCKS 11,12,&13

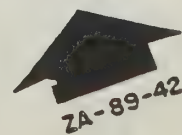


"E-2"(Multiple Dwellings) District.

LOCK 14



"G-1"(Designed Shopping Centre) District.



ADVERTISING IN THE 1990S

00011 11726

NOTE:

REQUIREMENTS OF THE PLANNING
CHAPTER 19 SECTION 90.121

- | | |
|---|----------|
| A | SEE PLAN |
| B | SEE PLAN |
| C | SEE PLAN |
| D | SEE PLAN |
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| L | SEE PLAN |

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ANNEX 9: CERTIFICATE

THE UNIVERSITY OF MICHIGAN

ATED AT HAMILTON, ONTARIO

OWNED - CYMAL SQUARE

SUPERVISOR'S CERTIFICATE

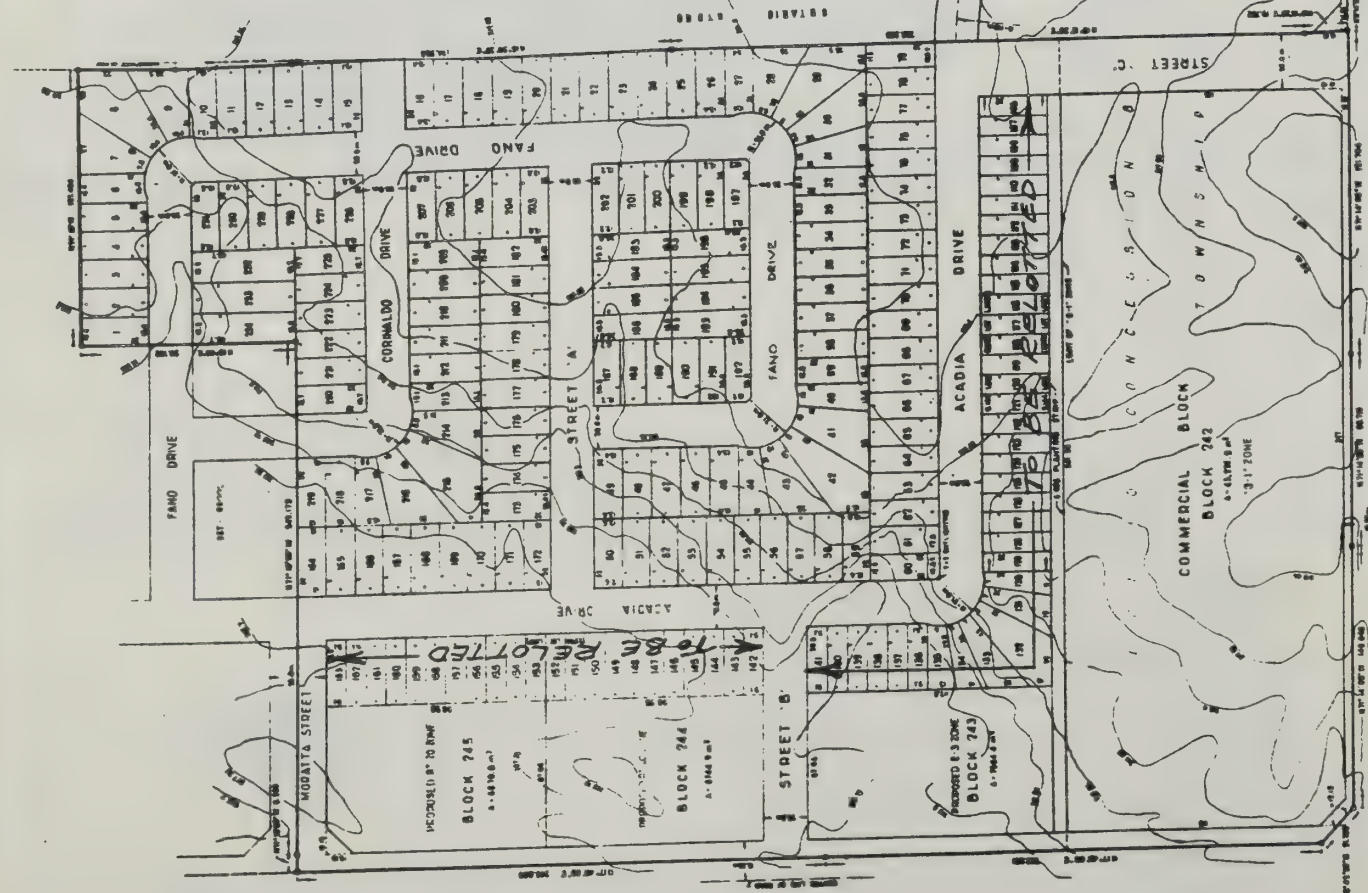
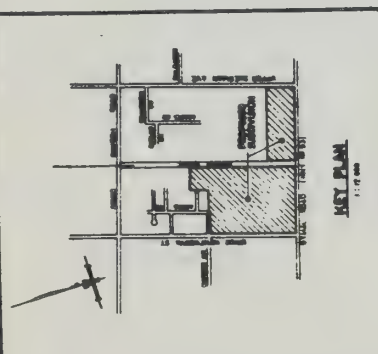
WEIGHT CERTIFY THAT THE BOUNTY PROVIDED AND THE RELATIONS MAINTAINED ARE CORRECTLY AND

PAID BY HAMILTON, ONTARIO.

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WY 134

11233



THE MINERS HIGHWAY NORTH
BYMAI ROAD EAST
1000 A.L. (CONTACT DISTRICTS) OF MINERS (CLAYTON)

THE WINTER WEDNESDAY NO 100 ?

RYMAI ROAD EAST EAST

00-00 AL QUALITY SERVICE OF MICHIGAN (CLERKSHIP)

DEJUNY & DEJUNY, LIMITED

OFFICE 1000
1000

35

FOR ACTION

15.

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Dec. 12, 1989
COMM FILE:
DEPT FILE: SA-89-15
25T-89026
ZA-89-72

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Proposed Plan of Subdivision.

Request for a change in zoning - rear portion of No. 3 Eleanor Avenue.

RECOMMENDATION:

1. Subdivision Application:

- (A) That approval be given to application SA-89-15 "Sgro Gardens", Vito and Angela Sgro, owners, to establish a draft plan of subdivision located on the east side of Eleanor Avenue and on the north side of Dulgaren Street in the Eleanor Neighbourhood, subject to the following conditions:
- (1) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated May 17, 1989, revised by locating Mentino Crescent to align centre line to centre line with Presidio Drive and by providing part of a turning circle.
 - (2) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (3) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (4) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (5) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

- (6) That the owner provide sufficient lands for a turning circle at the location of Lot 15 and Lot 16.
 - (7) That the plan not receive final approval prior to the approval of services on Dulgaren Street.
 - (8) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (9) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (B) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-15), V. & A. Sgro, owners, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

2. Rezoning Application:

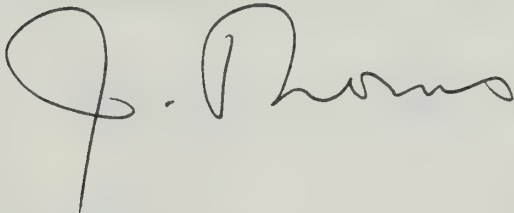
That approval be given to Zoning Application 89-72, Vito and Angela Sgro, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 77 Eleanor Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

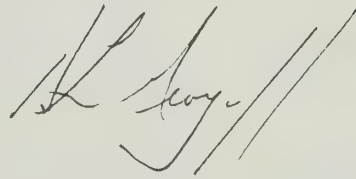
EXPLANATORY NOTE:

The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 77 Eleanor Avenue, as shown on the attached map.

The effect of the By-law is to subdivide the subject property into building lots for single-family dwellings.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

V. and A. Sgro, Stoney Creek, Ontario.

Surveyor:

A. J. Clarke and Associates Ltd., Hamilton, Ontario.

Location:

The lands, comprising 0.814 ha, are located on the east side of Eleanor Avenue and on the north side of Dulgaren Street in the Eleanor Neighbourhood, City of Hamilton.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Surrounding Lands

to the north	Vacant lands and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	Vacant and single family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant lands and single family dwellings	"C" (Urban Protected Residential, etc.) District

SUBDIVISION PROPOSAL:

The owner proposes to subdivide the lands into 16 lots.

REZONING PROPOSAL:

The owner requested the rezoning of the lands affected from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for single and semi-detached housing. The proposal complies.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the Zoning By-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

1. Subdivision Application:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Municipal Affairs
- Ministry of Transportation
- Ministry of the Environment
- Ministry of Natural Resources
- Ministry of Culture and Communications
- Hamilton Region Conservation Authority
- City of Hamilton Board of Education
- Hamilton-Wentworth Separate School Board
- Union Gas
- Bell Canada
- Ontario Hydro
- City of Hamilton Traffic Department (subject to a cul-de-sac at Dulgaren Street), and
- City of Hamilton Building Department (subject to rezoning)

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"Recommendations:

- (1) The owner must enter into a subdivision agreement with the Region and the City prior to the development of any portion of these lands.
- (2) The plan not be registered until the services on Dulgaren Street are approved.
- (3) Dulgaren Street in front of Lots 15 and 16 be widened for a normal cul-de-sac as shown on the attached.
- (4) Mentino Crescent be moved east as much as possible.

For Your Information:

- (1) Municipal services (water, sanitary and storm sewers) are not available until the lands directly to the west and south are developed.
- (2) Presidio Drive has been constructed south of Dulgaren Street. There is a \pm 5.0m offset between Presidio Drive, south of Dulgaren Avenue and Mentino Crescent. There will likely be an offset of Mentino Crescent north of Dulgaren Street to match Presidio Drive as much as possible. The

applicant is advised that the road allowance for Mentino Crescent may require adjusting to align with the road allowance for Presidio Drive to the south.

- (3) The submitted plan as prepared by A. J. Clarke, O.L.S., and dated May 17, 1989, is satisfactory to the Department of Engineering, subject to the above noted comments and recommendations".

2. Rezoning Application:

- The Building Department has advised that:

"No setbacks for the existing single-family dwelling have been indicated. Therefore, the dwelling shall conform to Section 9(3) of Zoning By-law 6593".
- The Hamilton-Wentworth Engineering Department has advised that:

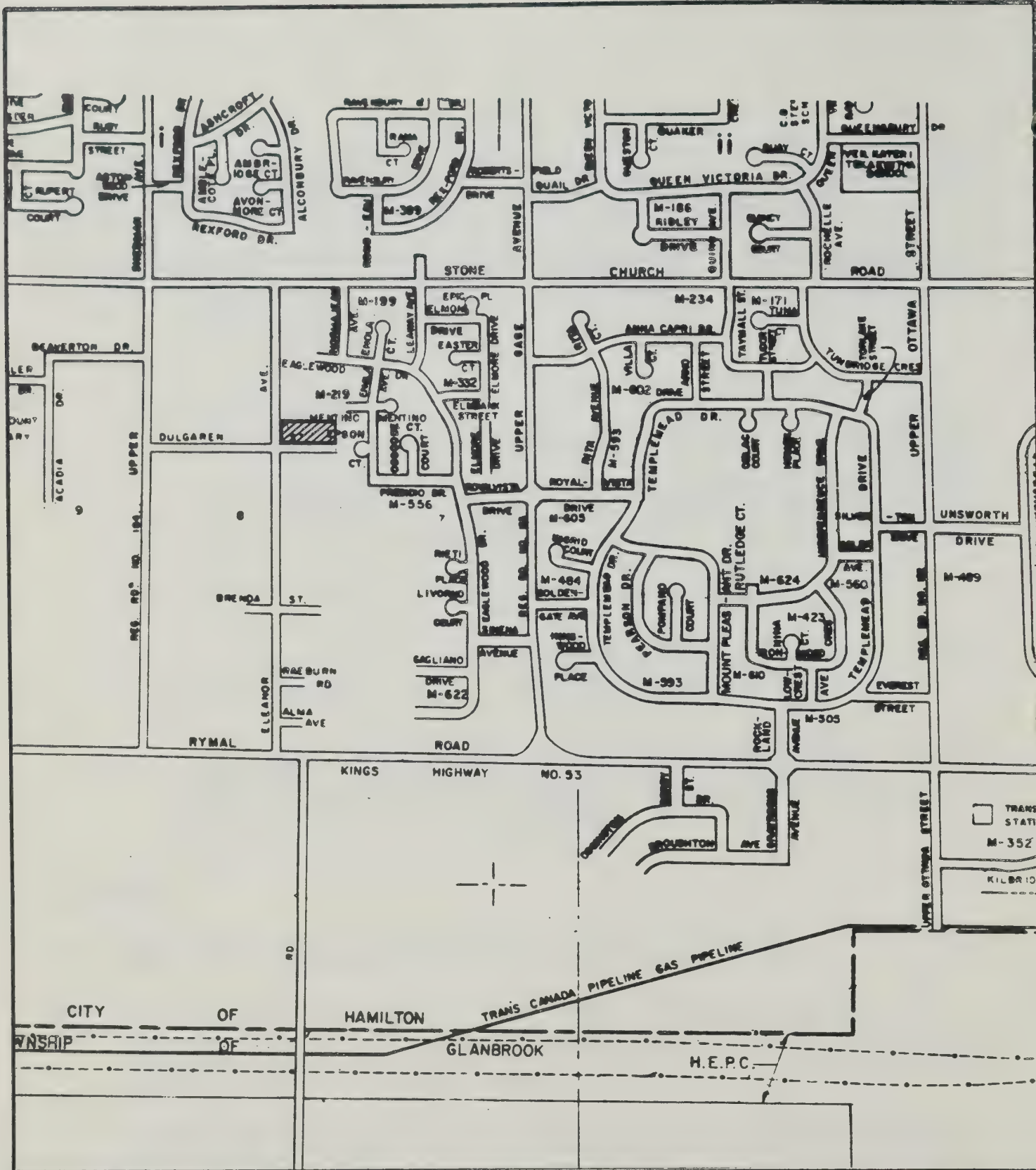
"... roadways, public watermains, as well as separate storm and sanitary sewers are to be serviced through the Subdivision Agreement process".
- The Hamilton Region Conservation Authority, Traffic Department, Hamilton-Wentworth Police Department and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS:

- (1) The conformity of the proposal with the Official Plans and the need for an amendment to Zoning By-law is noted.
- (2) As no part of the subject lands are designated park or recreational use on the approved Neighbourhood Plan, it is recommended that the parkland requirement of this subdivision be taken as cash-in-lieu of land.
- (3) No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.
- (4) The proposal has merit and can be supported for the following reasons:
 - o It implements the intent of both the Official Plan and the approved Eleanor Neighbourhood Plan;
 - o It would be compatible with existing and future development contemplated in this area; and,

- o The requested change in zoning is appropriate for the proposed development.
- (5) On the basis of the foregoing, the application can be supported.

JCS/11
P&DReport
Eleanor



Location Plan For

SGRO GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

N. T. S.

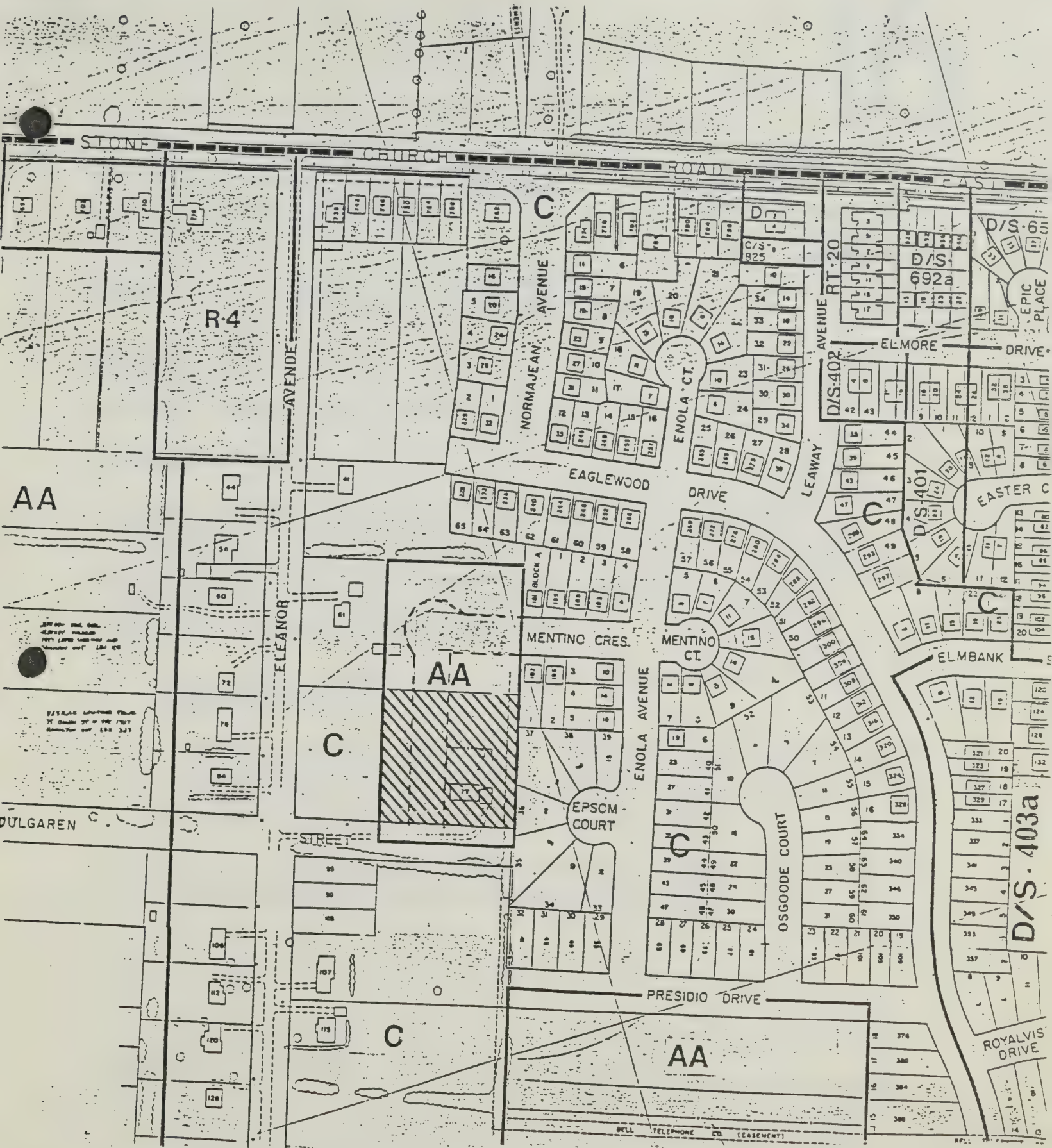
Date

SEPT. 6, 1989

Reference File No.

25T-89026

Drawing No.



Legend



Site of the Application

↑
ZA-89-72

APPENDIX A

FOR ACTION

16.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: December 18, 1989

COMM FILE:

DEPT FILE: ZA-88-111

Eleanor

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

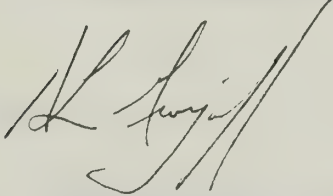
SUBJECT:

Request for changes in zoning - Nos. 829, 837, 845, and 867 Rymal Road East.

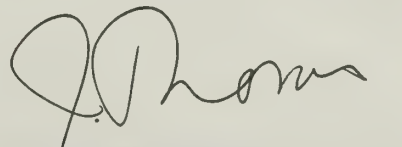
RECOMMENDATION:

That Zoning Application 88-111, J. Calzonetti, owner, requesting changes in zoning from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District (Block "1"), and "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District (Block "2"), to permit the construction of a strip commercial plaza, for the properties located at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposal conflicts with the intent of the Official Plan which designates the majority of the lands "RESIDENTIAL".
- ii) It conflicts with the recently approved Eleanor Neighbourhood Plan which designates the site "Commercial and Apartments" (minimum 50% residential), "Attached Housing" and "Single and Double Housing". The intent of the "Commercial and Apartments" designation is to allow for mixed use developments and not solely for commercial purposes.
- iii) Approval of the application may encourage other similar applications, which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:o ZA 87-65 (Part of 829, 837 Rymal Road East and 1606 Upper Gage Avenue)

In 1987, the lands were subject to a rezoning application. The applicant proposed an 8 storey apartment building for the lands fronting on Rymal Road and a similar type development for the Upper Gage frontage. Council denied the application.

In light of these proposed developments, the Planning and Development Committee requested a review of the subject lands as well as the lands to the north and east.

The applicant appealed Council's decision to the OMB. The OMB dismissed the appeal and, in its decision, considered the proposed development to be premature pending the completion of site plans for the lands. In addition, the Board suggested that a determination be made as to the future land uses on the remaining medium density designation.

o Neighbourhood Plan

In 1989, the Planning and Development Department undertook an extensive land use review for the north-west corner of Upper Gage Avenue and Rymal Road East. The review identified various land use options for the area.

With the aid of shadow casting and cross section analysis, the impacts on existing single-family dwellings of various types and heights of residential uses were identified. Accordingly, the preferred land use option designated the lands fronting on Upper Gage Avenue for "medium density apartments" (4-6 storeys), "Commercial and Apartments" for the lands fronting on Rymal Road East and "Attached Housing" for the interior.

On November 1, 1989, the Planning and Development Committee held a public meeting to discuss the land use review. The Committee approved "Commercial and Apartments (minimum 50% residential) on Rymal Road East and "Attached Housing" for the remainder of the study area (see Appendix "B").

APPLICANT:

Jerome Calzonetti, owner.

LOT SIZE AND AREA:

The site is irregular in shape having:

- o 200 m (659 ft.) of frontage on Rymal Road East;

- o 45 m to 75 m (147.6 ft. to 246 ft.) of lot depth; and,
- o 1.2 ha (3.128 ac) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwellings and a restaurant	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north and west	vacant land and single- family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	townhouses and single- family dwellings	"RT-10" (Townhouse) District "AA" (Agricultural) District
to the east	proposed shopping centre	"G" (Neighbourhood Shopping Center) District

OFFICIAL PLAN:

The property known as No.867 Rymal Road East is designated "COMMERCIAL" on Schedule "A".
The following polices apply:

- "A.2.2.1 The primary uses permitted in the areas designated as COMMERCIAL will be for Commerce, defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually-managed commercial establishments located along arterial roads, serving both pedestrian and automobile-borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized commercial uses attracting automobile-borne traffic from beyond the local area; and
- ii) Larger-scaled "Highway" commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business."

The remaining properties are designated 'RESIDENTIAL' on Schedule "A". The following policies apply:

2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to service the needs of local residents will be permitted, including, but not limited to:

- iv) Limited individual or groups of commercial uses on site not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2.2 of this Plan.

2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.

2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans."

Based on Policy A.2.1, the proposal does not comply with the intent of the RESIDENTIAL designation in that:

- 1) the proposed site exceeds 0.4 ha in size;
- 2) the uses do not primarily depend on pedestrian traffic; and,
- 3) they will serve an area larger than the surrounding residents.

Accordingly, a site specific redesignation from "RESIDENTIAL" to "COMMERCIAL" will be required to permit the proposal.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial and Apartments" (minimum 50% residential), "Single and Double Housing" and "Attached Housing" in the approved Eleanor Neighbourhood Plan.

The proposal conflicts with the intent of the Neighbourhood Plan. An amendment would be required to redesignate the subject lands to "Commercial".

In addition, the Neighbourhood Plan proposes a 10 ft. walkway between the properties at No. 837 and No. 829 Rymal Road East. If the lands were developed for a shopping plaza then it is likely that the walkway would be located within the development. This is undesirable from a Neighbourhood planning point of view.

RESULTS OF CIRCULARIZATION:

- o The following Department and Agencies have no comments or objections:

- Building; and,
- Hamilton Region Conservation Authority.

- o The Traffic Department has advised that:

"We support the development of the subject lands as in accordance with the approved neighbourhood plan as amended on November 14, 1989, with a minimum 50% residential.

We recommend that any development of the subject lands as a result of a change in zoning be subject to site plan control to facilitate a comprehensive review of the access parking and loading."

- o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject lands.

As a condition of approval, we recommend the following road widenings be dedicated to the Region:

1. Sufficient lands to establish the property line 18.29 m (60 feet) from the centreline of the original Upper Gage Avenue road allowance. According to our records, this road widening is approximately 8.23 m (27 feet) in width.
2. Sufficient lands to establish the property line 18.29 m (60 feet) from the centreline of construction on Rymal Road. According to our records, this widening is approximately 3.048 m (10 feet) in width.
3. Sufficient lands to establish a 12.19 m x 12.19 m (40 feet x 40 feet) daylight triangle at the widened limits at the northwest angle of Rymal Road and Upper Gage.

The applicant should be advised that any roadway improvements which are required as a result of this development may be at the expense of the applicant/owner.

The approval of this application will affect the development of residential land to the rear of the subject lands, and the proposed walkway may be eliminated. We recommend that these lands be developed in accordance with the intent of the approved plan.

A detailed site plan and grading plan should be submitted for review and comments"

COMMENTS:

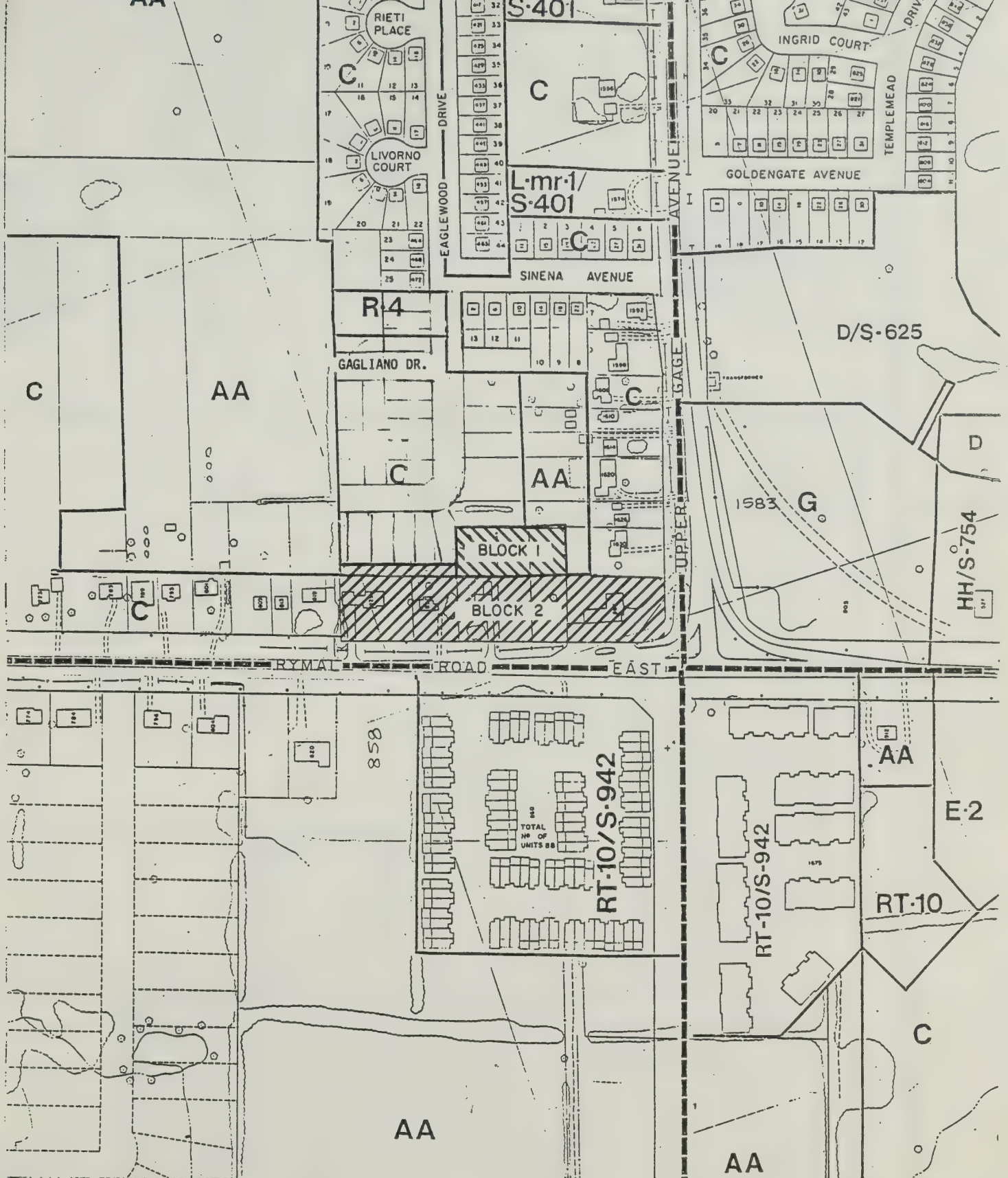
- 1) The proposal does not comply, in part, with the Official Plan. A site specific redesignation from "RESIDENTIAL" to "COMMERCIAL" will be required to permit the proposal.
- 2) The proposal does not comply with the recently approved Eleanor Neighbourhood Plan. A site specific redesignation from "Commercial and Apartments" (minimum 50% residential), "Single and Double Housing" and "Attached Housing" to "Commercial" will be required to permit the proposal.
- 3) The proposal cannot be supported for the following reasons:
 - a) it does not comply with the intent of the Official Plan;

- b) it does not comply with the recently amended Eleanor Neighbourhood Plan which designates the bulk of site for "Commercial and Apartments" (minimum 50% residential). The intent of this designation is to allow mixed uses on the site and is not intended for commercial uses solely;
- c) approval of the application would encourage similar type applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA88111



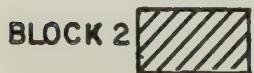
LEGEND

PROPOSED CHANGE IN ZONING FROM :



BLOCK 1

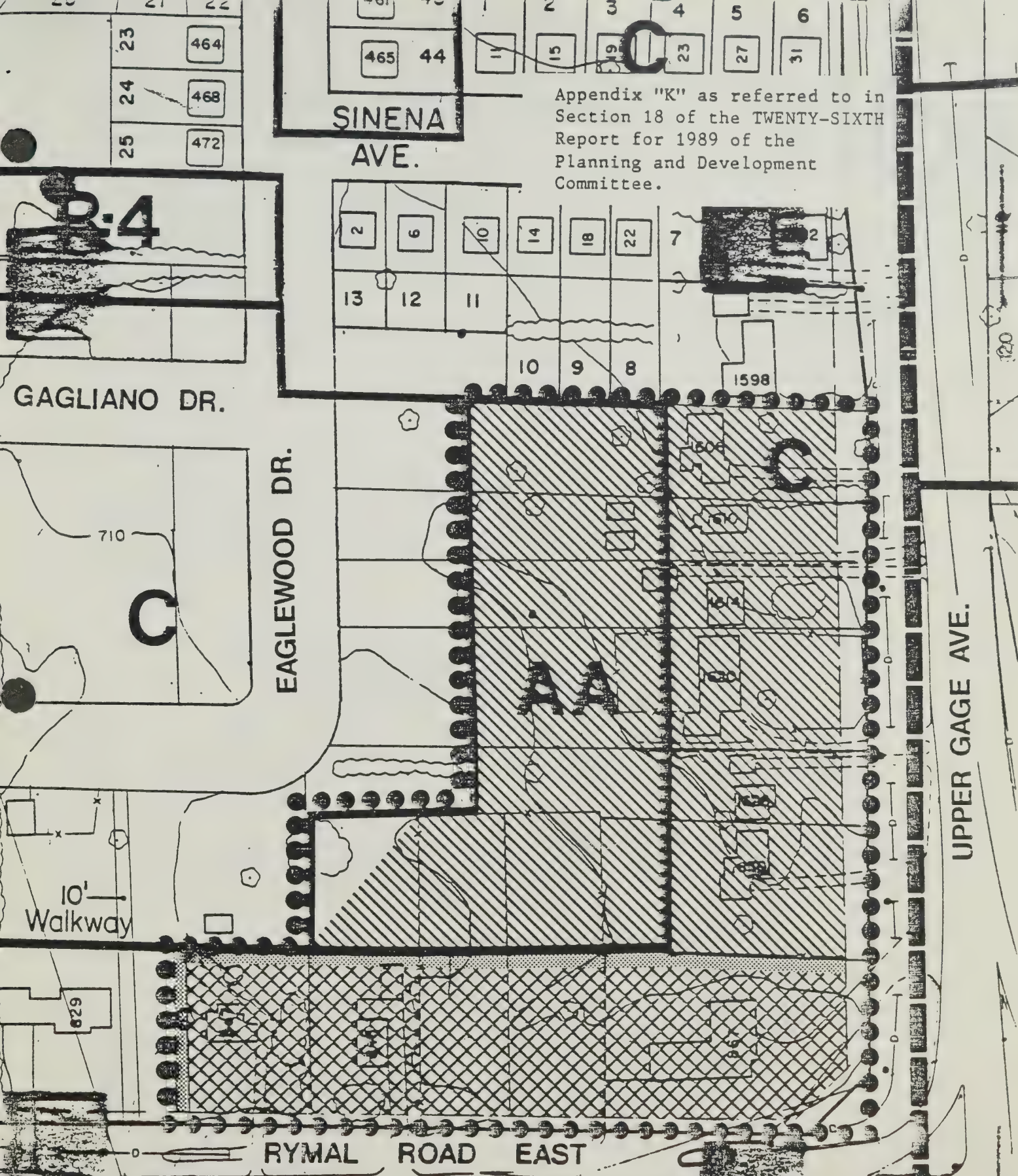
"AA" (AGRICULTURAL) DISTRICT TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT.



BLOCK 2

"C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT.





AGRO, ZAFFIRO, PARENTE, ORZEL & BAKER

BARRISTERS & SOLICITORS

NICHOLAS J. ZAFFIRO, Q.C.
EDWARD J. ORZEL, Q.C.
STANLEY P. JASKOT, B.A., LL.B.
JOHN W. LOGAN, B.A., LL.B.
MICHAEL DALE PARAYESKI, LL.B.
JANE A. MILANETTI, B.A., LL.B.
VANDA A. SANTINI, B.A., B.C.L., LL.B.
Z. S. PETE VOLARIC, B.A., LL.B.
KATHRYN A. MCKAGUE, B.A. (HONS), LL.B.

JOHN A. PARENTE, Q.C.
MICHAEL L. BAKER, Q.C.
FRANCIS A. DeSANTIS, B.A., LL.B.
IAN P. NEWCOMBE, B.A., LL.B.
CHARLES P. CRIMINISI, LL.B.
MARTHA B. ZIVOLAK, B.A. (HONS), LL.B.
DAVID A. ELLIOT, B.A., LL.B.
PAUL T. FERRACUTI, LL.B.

JOHN L. AGRO, Q.C. (RETIRED)

TELEI
FAC:

FOURTH FLOOR
ONE JAMES STREET SOUTH

MAIL:
P. O. BOX 2069, STATION "A"
HAMILTON, ONTARIO
L8N 3G6

October 23, 1989

OCT 24 1989

Planning and Development Committee
City of Hamilton
City Hall
Hamilton, Ontario

Dear Sirs:

RE: Jerome Calzonetti
Rezoning Application ZA-88-111
Eleanor Neighbourhood

We are submitting herewith a copy of a petition that was duly circularized amongst the neighbours in the vicinity of the subject property which is being submitted in support of our client's pending application.

Would you kindly advise when this rezoning application will receive a hearing date before the Planning and Development Committee and provide us with your usual report.

Yours truly,


JOHN A. PARENTE

/kr
encl.
cc: Alderman Henry Merling
cc: Jerome Calzonetti

"Copy to Mr. A. Georgieff, Director of Local Planning and Mr. P. Hooker, Acting City Solicitor - 1989 November 13th".

PETITION

TO: PLANNING AND DEVELOPMENT COMMITTEE

AND TO: THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

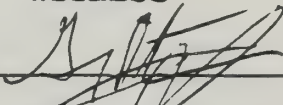
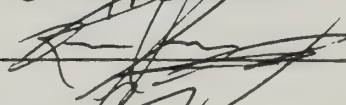
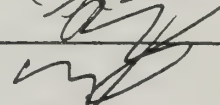
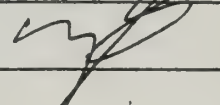
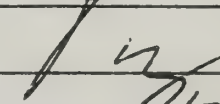
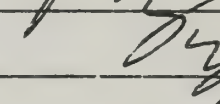
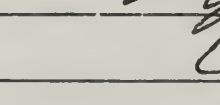
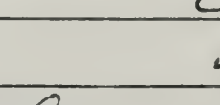
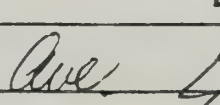
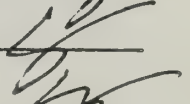
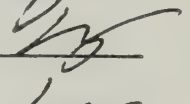
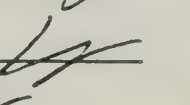
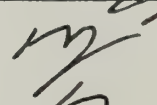

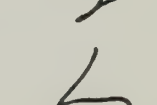
AND TO: THE CORPORATION OF THE CITY OF HAMILTON

RE: Rezoning Application ZA-88-111

AND RE: Eleanor Neighbourhood Review

WE, the undersigned, do hereby petition for the appropriate revision of the Eleanor Neighbourhood Plan and for the approval of the above-mentioned application for rezoning modified to allow for commercial development of the properties known as 829, 837, 845 and 867 Rymal Road East and 1630 Upper Gage Avenue in the City of Hamilton with the exception of the north-west triangular piece at the rear of 845 Rymal Road East which would be designated and zoned for single-family use in conjunction with the subdivision known as Eaglewood Estates.

The lands for which commercial designation is requested is more specifically set out in the plan attached hereto entitled "Option B" which lands are outlined in pink.

NAME	PROPERTY ADDRESS	WITNESS
ROMAN LEWICKI	508 Eaglewood Dr	
Greg Peitchinis	487 Eaglewood Dr.	
ALDO DANIELI	14 SINENA AVE	
ROBERT DEMERCHIANT	10 SINENA AVE	
X Northey 2 Sinena Ave		
X Northey 2 Sinena Ave		
X Northey 2 Sinena Ave		
X Northey 2 Sinena Ave		
X Northey 2 Sinena Ave		
Marilyn McGhee	27 Sinena Ave.	
Arena Miller	1574 UPPER GAGE	
Alvin Gasate	1593 UPPER GAGE AVE	
Stan Cowley	860 RYMAL RD E #14	
T. Bridgland	860 Rymal Rd E #15	
B. Buehler	86 Rymal Rd E #18	

NAME

PROPERTY ADDRESS

WITNESS

Leonard Parker

1598 Upper Sage

y

Jennifer L. Ham

1598 Upper Sage

y

~~John P. - Jr~~

1606 UPPER SAGE

y

Harold Johnson

472 Eaglewood Drive Ham.

y

Brenda L. Linder

468 Eaglewood Dr

y

~~John P. - Jr~~

465 Eaglewood Dr

y

~~Richard L. -~~

Marya Cahill

461 Eaglewood Dr

y

E. Miller

453 Eaglewood Dr.

y

Chris Bozzo

446 Eaglewood Dr

y

Dan Fensling

445 Eaglewood Dr.

y

G. Harry

441 Eaglewood Dr

y

P.K. Redd

437 Eaglewood Dr.

y

K. Daddard

433 Eaglewood Dr.

y

Leslie Struger

425 Eaglewood Dr

y

J. Auer

421 Eaglewood Dr.

y

Lorah Hugen

417 EAGLEWOOD DR

y

Michael Matson

11 RIETI PL.

y

Maureen Matson

11 Rieti Place

y

ell Kuziora

5 Rieti PL

y

C. Rosen

1 " "

y

L. Gledhill

6 RIETI PL.

y

EA Muli

14 RIETI PL.

y

Russ Blau

18 RIETI PL.

y

Dene Bertello

784 Pennel Rd.

y

D. Mc

860 Rydal Rd E.

y

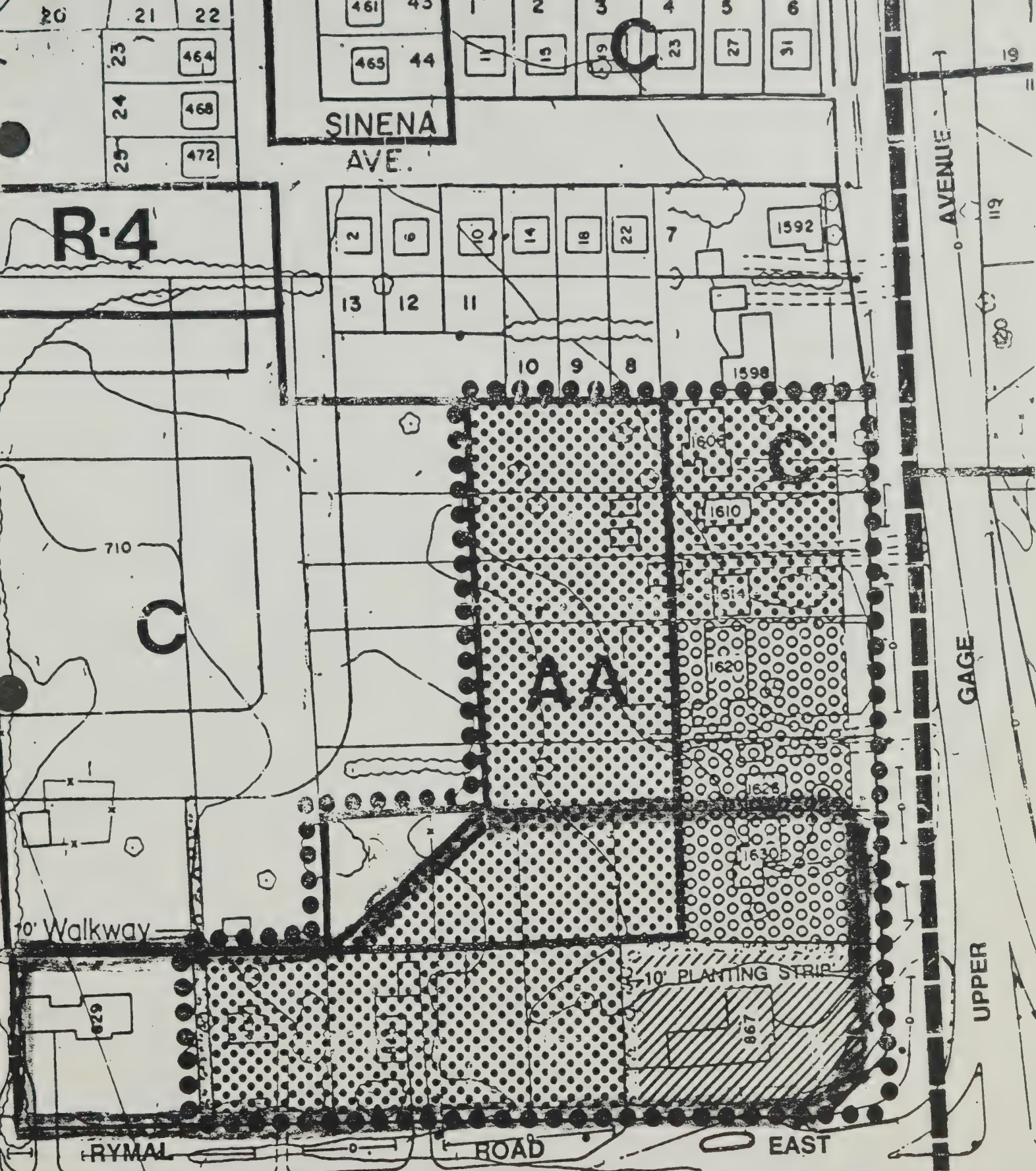
Name

Property Address

Witness

Jean Hyslop	819 Rymal Rd E	
David Daxson	813 Rymal Rd East	
Jennie Middleton	783 Rymal Rd E	
Aller Todd	777 Rymal Rd E	
Jays Muhlman	769 Rymal Rd E	
Sylvia Goodrum	759 Rymal Rd E	
Off Cusker	766 Rymal Rd E	
Minerva Curtis	766 Rymal Rd E	
R. J. Puddy	774 Rymal Rd E	
Walter Puddy	774 Rymal Rd E	
R. J. Puddy	219 Eleanor Ave	
Linda Fournier	#52 860 Rymal Rd East	
J. German	#52 860 Rymal Rd East	
E. Gray	#47 860 Rymal Rd E	
Ken Broadhead	#45 860 Rymal Rd E	
M. W. W. W.	#44 860 Rymal Rd E	
Sam O'Leary	#42 860 Rymal Rd E	
Vicki Downie	40 860 "	
John W. W.	#38 860 Rymal Rd E	
M. Curran	37 860 Rymal Rd E	
D. Vope	#35 860 Rymal Rd E	
Ann & Gord Franks	#32 860 Rymal Rd E	
Kathryn Dranger	27 860 Rymal Rd E	
Valerie Winger	26 860 Rymal Rd E	
Keri Gentile	#25 860 Rymal Rd E	
Lynda Smith	#24 860 Rymal Rd E	
Richard Smith	#23 860 Rymal Rd E	
Kal Smith	#23 860 Rymal Rd E	
Al Smith	#19 860 "	
M. M. A. D. D.	#20 860 "	
	#17 860 Rymal Rd E	

Name	Address	Witness
C. D'ARCY	860 Rymal E #7	[Signature]
E. D'ARCY	" " "	[Signature]
D. JOHNSON	73-860 Rymal E	[Signature]
S. Viebke	17 11	[Signature]
R. Viebke	860 Rymal R. #75	[Signature]
R. Fowler	860 Rymal R #77	[Signature]
Rash	" "	[Signature]
H. Donovan	860 Rymal Rd #78	[Signature]
[Signature]	860 Rymal Rd #80	[Signature]
Chad Culver	860 Rymal #80	[Signature]
Sydney Ragenais	860 Rymal Rd E	[Signature]
Eugene West	" " "	[Signature]
[Signature]	56-860 Rymal Rd. E.	[Signature]
[Signature]	58, 860 Rymal Rd. E.	[Signature]
Phyllis Marie	58 860 Rymal Rd. E.	[Signature]
S. Johnson	59 " "	[Signature]
Diane Hill	62 " "	[Signature]
Harley Hill	62 " "	[Signature]
Jessie Deck	64 " "	[Signature]
Diane Renard	65 " "	[Signature]
Diane Renard	66 " "	[Signature]
Jack Boring	66 " "	[Signature]
Donna Tronick	68 " "	[Signature]
Laura Kassan	69 " "	[Signature]
Edna (E. Fox)	10 " "	[Signature]
Patricia M. [Signature]	10 " "	[Signature]
[Signature]	10 " "	[Signature]
Ruth [Signature]	12 " "	[Signature]
Mrs Sylvia Bowers	860 Rymal Rd. Unit B12	[Signature]
[Signature]	860 Rymal Rd	[Signature]



City of Hamilton
Neighbourhood Location

Land Use

Residential	Non-Residential
Single and Double	Commercial
Attached Housing	Industrial
Low Density Apartments	Civic and Institutional
Medium Density Apartments	Park and Recreational
High Density Apartments	Open Space
Commercial and Apartments	Utilities

Note: This is a guide only and is subject to change. For details consult the Local Planning Commission or the Regional Municipality of Hamilton-Wentworth.

	Approvals
	Planning Comm.
	Council

OPTION B PROPOSED PLAN



C146 MMB-A05
C 1 P 4



K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

1990 January 4

URBAN MUNICIPAL

JAN 9 1990

GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1989 November 15th and Wednesday, 1989 November 29th.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 January 3rd.

As
agenda
item
with Jan 3 meeting

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:mc
Attach.

c.c.'s - Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

Wednesday, 1989 November 15
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Ross
Alderman H. Merling
Alderman B. Hinkley
Alderman W. McCulloch
Alderman M. Kiss
Alderman D. Christopherson

URBAN MUNICIPAL

JAN 9 1991

GOVERNMENT DOCUMENTS

Regrets: Alderman F. Lombardo, Vice-Chairman - Vacation

Also present: Alderman T. Murray
Mr. A. Georgieff, Director of Local Planning
Mr. D. Godley, Planning Department
Mr. D. Pickard, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Mr. E. Kowalski, Director of Community Development
Ms. J. McNeilly, Community Development
Mr. R. Karl, Traffic Department
Mrs. N. Chapple, Architectural Historian, LACAC, Planning
Mr. K. Brenner, Regional Engineering
Mr. J. Sakala, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Mrs. C. Floroff, Planning Department
Mr. R. Buckle, Real Estate Department
Mr. P. Mallard, Planning Department
Ms. Joanne Hickey-Evans, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday 1989 October 11 and Tuesday, 1989 October 31 and APPROVED these minutes.

Minutes - 1989 October 1
1989 October 31

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 8 respecting demolition permit applications.

Demolition Permit
Applications

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 194 West Avenue North
- (b) 158 Mud Street

The Committee was in receipt of an information report from the Building Commissioner dated 1989 November 9 respecting the issuance of building permits. Both Mr. Lampman and Mr. Allick of the Building Department reported on this issue.

Issuance of Building
Permits

Following discussion on this matter by the Committee, the following was approved:

That the Building Commissioner report back to the Planning and Development Committee with specific recommendations on increasing fee fines for non-compliance with respect to building permits.

During discussion on this matter, it was indicated that there is a particular developer who has over 100 summonses issued against him and that this matter is before the courts. The representative from the City Solicitor's Office advised that since this matter is soon going before the courts, that information on this developer should not be released.

Developer issued over
100 Summonses

Accordingly, the Committee requested:

That the City Solicitor provide a report for the members of the Planning and Development Committee when the court case respecting the developer who has been issued over 100 summonses against him is before the courts.

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 4 respecting 37 Strathcona Avenue North (former Strathcona Fire Station) recommending that the application for demolition of the building at 37 Strathcona Avenue North be referred to L.A.C.A.C. for consideration and recommendation in accordance with the requirements of the Ontario Heritage Act.

Father Marino, of St. Demitrious Greek Orthodox Church, owners of the property, spoke to the Committee on this matter.

Considerable discussion ensued on this matter and the Committee approved the following:

- (a) That the building at 37 Strathcona Avenue North (former Strathcona Fire Station) be approved in accordance with Section 34(2)(a) of the Ontario Heritage Act, and
- (b) That the City Solicitor be directed to prepare a By-law to repeal the designating By-law 89-271.

The Committee was in receipt of a report from the City Treasurer dated 1989 November 8 respecting partial release of holdback.

The Committee approved the following:

That partial holdback in the amount of \$17 000.84 be released to McLean-Peister Limited for the completion of P.O. 34116 for Stipeley-Crown Point West P.R.I.D.E. pending receipt by Treasury of the standard release forms from the Contractor and City Solicitor's Department.

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 8 respecting Locke Place Potential Business Improvement Area (B.I.A.).

The Committee approved the following:

- (a) That, a Community Improvement Project Area be designated as per Schedule 'A' attached herewith and marked Appendix "A" for Locke Place, on Locke Street between Main and Herkimer Streets in conformity with the Planning Act, Section 28.
- (b) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above.
- (c) That, the Planning and Development Committee hold a public meeting to hear citizen input on the Locke Place Community Improvement Plan as required under the Planning Act, Section 17.

NOTE: The Planning Act, Section 28, Sub-Section #7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan". In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Locke Street South from Main to Herkimer Streets, the Community Improvement Project Area must be adopted by By-law and approved by the Ministry of Municipal Affairs.

37 Strathcona Avenue North
(Former Strathcona Fire
Station)

Partial Release of
Holdback

Locke Place Potential
B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 8 respecting Main Street West Potential Business Improvement Area (B.I.A.).

Main Street West Potential
B.I.A.

The Committee approved the following:

- (a) That, a Community Improvement Project Area be designated as per Schedule 'A' attached herewith and marked Appendix 'B' for Main Street West, between Locke and Queen Streets in conformity with the Planning Act, Section 28.
- (b) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above.
- (c) That, the Planning and Development Committee hold a public meeting to hear citizen input on the Main Street West Community Improvement Plan as required under the Planning Act, Section 17.

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 9 respecting Comprehensive Audit, Department of Community Development, Community Renewal and Housing Loans Sections, Departmental comments.

Comprehensive Audit -
Community Development
Department

The Committee agreed to TABLE this matter and that the Comprehensive Audit Report be included in the agenda and that this matter be placed on the next agenda for the Committee.

The Committee was in receipt of an information report from the Director of Community Development dated 1989 November 9 respecting the Community Development Department's involvement in the Regional Task Force on Affordable Housing.

Regional Task Force on
Affordable Housing -
Staff Commitment

Considerable discussion ensued on this matter with respect to the amount of time required for the commitment to the Regional Task Force.

The following motion lost on a tie vote and in accordance with City Policy was referred to City Council.

- (a) That Mr. J. Robinson, Co-ordinator of Housing Loans, Community Development Department not be approved to provide services as a resource person on the Regional Task Force on Affordable Housing, and
- (b) That the Director of Community Development not be directed to report back to the Planning and Development Committee on the estimated cost of this staff time.

NOTE: THE ABOVE RECOMMENDATION RESULTED IN A TIE-VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE AND IN ACCORDANCE WITH CITY POLICY IS BEING REFERRED TO CITY COUNCIL.

Alderman Smith spoke to the Committee on an upcoming Ontario Municipal Board Hearing respecting the City's position at the Committee of Adjustments with respect to a variance.

O.M.B. Hearing
Upper Gage & Crockett

The Committee approved the following:

That the City Solicitor be directed to provide legal counsel at an upcoming Ontario Municipal Board Hearing to defend the Committee of Adjustment denial decision with respect to a variance request by Pioneer Gas Bar on Upper Gage Avenue and Crockett Avenue.

The Committee was in receipt of correspondence from Bruce Charlton, Acting Chairperson, Durand Neighbourhood Plan Implementation Committee dated 1989 November 3 respecting request for rezoning - South Durand Neighbourhood.

Rezoning - South Durand
Neighbourhood

The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1989 November 2 respecting proposed change in zoning for South Durand Neighbourhood.

The Committee was also in receipt of additional correspondence from the President of the Durand Neighbourhood Association respecting the Durand Rezoning Study proposal.

Ms. Vida Mazza, Chairperson of the Bay/Aberdeen Ratepayers Association distributed additional information with maps illustrating the presentation given by her respecting consideration of rezoning of the lands in the South Durand Neighbourhood from "C" to "B-2" modified district. A petition on this matter was also submitted.

Following discussion on the presentation by members of the Committee, the following recommendation was approved:

That the Planning and Development Committee authorized a public meeting to consider a proposed change in zoning from "C" to "B-2" modified and related policies for the South Durand Neighbourhood.

During discussion on this matter, it was requested by Alderman Christopherson that when this matter is being reviewed, staff look at the over-intensification of nursing homes in the Durand Neighbourhood.

The Committee then moved to the Council Chambers to hear Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 7 respecting Zoning Application 89-82 for property at the rear of 1258 Upper Wentworth Street.

The Committee approved the following:

That approval be given to Zoning Application 89-82, Vittorio, Guissepina, Italo and Anna DiPietro, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to create three single-family dwelling lots for property located at the rear of 1258 Upper Wentworth Street, as shown on the attached map marked as Appendix "C" on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning District Map E-18C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 1258 Upper Wentworth Street.

The effect of the proposed change in zoning is to sever the subject land into three building lots for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 6 respecting Zoning Application 89-68 for property at 1399 Upper James Street.

The Committee approved the following:

That approval be given to Zoning Application 89-68, John Paisley In Trust, prospective owner, requesting changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District, to permit retail Commercial uses (e.g. hotel, restaurant, retail stores) for property located at 1399 Upper James Street, as shown on the attached map marked as Appendix "D" on the following basis:

Council Chambers

ZA89-82 - rear of 1258
Upper Wentworth Street

ZA89-68 - 1399 Upper
James Street

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (c) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-Law No. 6593, applicable to property located at 1399 Upper James Street, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14A(3)(a) a minimum front yard of 24.0 m shall be provided and maintained;
 - (ii) That a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly rear lot line and northerly side lot line;
 - (iii) That a minimum 3.0 m wide landscaped area, excluding any vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1151, and that the subject lands on Zoning District map E-9C be notated S-1151;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for changes in zoning for property located at 1399 Upper James Street, on the following basis:

- (a) Block "1" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.
- (b) Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit future development of the property for retail commercial use (e.g. hotel, restaurant, retail stores).

In addition, the By-law provides for the following modifications as special requirements:

- (a) a minimum front yard setback of 24.0 m;
- (b) a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the easterly rear lot line and the northerly side lot line;
- (c) a minimum 3.0 m wide landscaped area, excluding any vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance.

The Committee was in receipt of letters of submission from the following:

- (a) Mr. and Mrs. Jennings, 3 Ben Lomand Place
- (b) Mr. and Mrs. Maskell, 6 Ben Lomand Place
- (c) Ms. Burrows, 4 Ben Lomand Place

Some discussion then ensued on the status of the townhouse study being undertaken by the Planning Department. Mr. D. Godley of the Planning Department advised the Committee that this report will be presented to the Committee early in 1990.

Mr. P. Mallard, of the Planning Department, spoke to the Committee on some difficulty that is being encountered with respect to the "M" District.

Accordingly the Committee approved the following:

That the Planning and Development Department be authorized to undertake a review of the "M" District.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting Zoning Application 89-78 for property located at 783, 785 and 791 Concession Street.

The Committee approved the following:

That approval be given to Zoning Application 89-78 Browview Realty Ltd., owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "1") and a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit a 5 unit townhouse development on property located at 783, 785 and 791 Concession Street, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the lands shown as Blocks "1" and "2" be modified to include the following variance as a special requirement:
 - (i) That notwithstanding the provisions of Section 18A.(1)(f) of By-law No. 6593 the required manoeuvring space aisle width for the two required parking spaces at the rear of the townhouse development shall have a minimum width of 4.88 m.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1152, and that the subject lands on Zoning District Map E-35 be notated S-1152;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at 783 Concession Street, shown as Block "1" on the attached map.

The effect of the By-law is to permit a 5 unit townhouse development on the lands described as Blocks "1" and "2", on the attached map being 783, 785, and 791 Concession Street.

required manoeuvring area for the two required parking spaces at the rear of the townhouse development from 6.0 m to 4.88 m.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 8 respecting Zoning Application 89-83 for property at 340 Limeridge Road East.

ZA89-83 - 340 Limeridge Road East

Report of the circularization was given as follows: 207 notices sent, 5 in favour, 7 opposed.

The owner of property at 6 Donegal Place spoke in opposition to the application and indicated it would lower the value of his home.

Mr. Robert Whitehill, 7 Donegal Place spoke in opposition to the application and indicated the area is very densely housed now. He also added there would be a tremendous impact on parking that would be felt if this application were approved, that there are too many townhouses in the area now, and that he was told when he purchased his home that the area would be single-family.

Mr. Roy Hannaford, representative for the developer, spoke to the Committee on the reasons why this application should be supported.

Moved by Alderman Merling, seconded by Alderman Kiss, that the application be denied. Motion lost.

Moved by Alderman Christopherson, seconded by Alderman Hinkley, and carried to approve the following:

That approval be given to Zoning Application 89-83, 740888 Ontario Ltd., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, to permit townhouse development for property located at 340 Limeridge Road East, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18A and E-18C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for property located at 340 Limeridge Road East.

The effect of the By-law is to permit townhouse development of the subject lands.

Some discussion ensued on the meeting time for the new 1990 Committee schedule. It was agreed that a decision on the meeting time be TABLED in order that discussion can be held with other Committees who have public meeting portions.

Meeting Time for 1990 Planning & Development Committee

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting a site plan for property at 66 Ewen Road. Mr. John Sakala of the Planning Department outlined this report.

Site Plan - 66 Ewen Road

Considerable discussion ensued on this matter and it was agreed that this item should be TABLED until the next meeting when the public can be invited to this. It was also agreed that Alderman Kiss, Ward Alderman, be required to hold this public meeting with the people in the area, staff and the applicants, within the two weeks prior to the next meeting of the Committee and this item be placed back on the Planning and Development Committee agenda for 1989 November 28.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 1 respecting Official Plan Major (Five Year) Review.

Official Plan Major (Five Year) Review

The Committee approved the following:

- (a) That approval be given to Official Plan Amendment No. 80, which would incorporate:
 - (i) a new subsection - General Land Use Provisions;
 - (ii) minor policy changes; and,
 - (iii) amendments to the Schedules
- (b) That the City Solicitor be directed to prepare a by-law to adopt Official Plan Amendment No. 80 for submission to The Regional Municipality of Hamilton-Wentworth.

NOTE: Section 26 of the Planning Act requires a municipality to hold a public meeting, at least once every five years, to determine if there is a need to review the Official Plan. In this regard, the Planning and Development Department undertook a major review of the Official Plan's assumptions, objectives, policies and land use designations to determine if the policy directions etc. reflected Hamilton's planning objectives and goals until the year 2001.

The review identified a need:

- (a) to add a new subsection (i.e. General Land Use Provisions) to outline uses which are permitted "as-of-right", without locational restrictions or prohibited within the City's boundaries;
- (b) to rework two existing subsections (i.e. Airport and Historic/Architectural Resources) to incorporate changing roles and operations;
- (c) to initiate several minor policy changes to clarify wording, to expand policies/procedures, recognize new government ministry names, etc; and,
- (d) to initiate amendments to three Schedules, specifically "A", "B" and "D", to reflect current or proposed land uses, adjust land use boundaries, etc.

A copy of Official Plan Amendment 80 is available from the Committee Secretary upon request.

The Committee was in receipt of correspondence from Bruce Charlton, Acting Chairperson, Durand Neighbourhood Plan Implementation Committee, dated 1989 November 7 respecting Durand Plan Implementation - 1990 Work Programme. The Committee agreed to receive this correspondence.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 8 respecting the Durand Plan Implementation - Work Programme.

The Committee approved the following:

- (a) That the Planning and Development Committee direct the Planning and Development Department to consider the inclusion of staff time for implementation of the Durand Neighbourhood Plan in their work programme for 1990.
- (b) That a member of the Planning Department staff attend the meeting of the Durand Neighbourhood Plan Implementation Committee in 1989 December.

NOTE: Alderman Merling opposed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 1 respecting extension of draft approval for "Battleridge" subdivision.

Durand Plan Implementation
1990 Work Programme

Extension of Draft Approval
"Battleridge" Subdivision

The Committee approved the following:

That the Regional Municipality of Hamilton-Wentworth be requested to grant a one year extension on the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 3 respecting proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan.

Proposed Amendment No. 21
(Meadowlands Community)
Town of Ancaster Official
Plan

The Committee approved the following:

- (a) That the Regional Municipality of Hamilton-Wentworth be notified that proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan will not conflict with the planning intentions of the City of Hamilton, provided the modification outlined in the staff Report is incorporated into the proposed Amendment; and,
- (b) That the City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above and forward a copy of the staff Report to the Region.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan. The Amendment is the result of Ancaster Town Council's adoption of a new secondary plan for the lands located east of Highway No. 403, west of city limits, south of Mohawk Road West and north of Highway No. 53.

The proposed amendment designates a small portion of the hydro corridor located adjacent to the City of Hamilton and the proposed Industrial Business Park in Ancaster, south of Mohawk Road, as "Industrial", instead of the more appropriate designation of "Open Space and Conservation". The Ancaster Official Plan generally designates hydro corridors in the area as "Open Space and Conservation", since it does not recognize utility uses.

The lands adjacent to this "Industrial" designation within the Gurnett Neighbourhood, in the City of Hamilton, are utilized and designated for residential uses. It is not intended that the hydro lands in Ancaster be developed for industrial uses. Accordingly, it would be appropriate for the entire hydro corridor to be designated "Open Space and Conservation" on Schedule "B" of the Ancaster Official Plan. This will:

- (a) be consistent with the designation of hydro corridors elsewhere;
- (b) ensure that no industrial development will occur on the hydro corridor, adjacent to residential uses in Hamilton; and,
- (c) ensure that a buffer be maintained between the Meadowland Industrial Business Park and residential uses in the Gurnett Neighbourhood.

A copy of the staff report is available from the Committee Secretary upon request.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 3 respecting proposed plan - Allison Neighbourhood.

Proposed Plan - Allison
Neighbourhood

The Committee approved the following:

That the Planning and Development Committee authorize a public meeting to discuss the proposed Neighbourhood Plan and Official Plan Amendment with respect to the Allison Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting residential enclave acquisition. It was agreed that this matter would be tabled to the next meeting of the Committee.

Residential Enclave
Acquisition

Wednesday, 1989 November 15

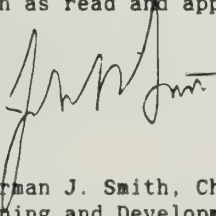
- 11 -

Planning and Development Committee

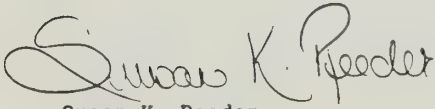
There being no further business the meeting then adjourned.

Adjournment

Taken as read and approved



Alderman J. Smith, Chairman
Planning and Development Committee



Susan K. Reeder
Secretary
1989 November 15

Wednesday, 1989 November 29
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Christopherson
Alderman D. Ross
Alderman B. Hinkley
Alderman H. Merling
Alderman W. McCulloch

Regrets: Alderman F. Lombardo, Vice-Chairman - Vacation

Also present: Alderman T. Murray
Mr. A. Georgieff, Director of Local Planning
Mr. M. Watson, Real Estate
Mr. B. Allick, Building Department
Mr. W. Wong, Building Department
Mr. D. Pickard, Building Department
Mr. K. Brenner, Regional Engineering
Mr. E. Kowalski, Director of Community Development
Mr. D. Godley, Planning Department
Mr. V. Abraham, Director of Regional Planning
Mrs. N. Chapple, Architectural Historian, LACAC, Planning
Mr. R. Karl, Traffic Department
Mr. J. Sakala, Planning Department
Mr. V. Matus, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Mrs. V. Gruppe, Planning Department
Mr. P. Mallard, Planning Department
Mrs. Joanne Hickey-Evans, Planning Department
Mr. T. Gill, Regional Engineering
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 November 1 and approved these minutes.

Minutes - 1989 November 1

The Committee discussed the time slot to be used in the new schedule of meetings for 1990 and approved the following:

Time Frame Committee Meetings

That the 1990 meetings of the Planning and Development Committee commence at 9:00 o'clock a.m., and that the Public Meeting portion of the Committee Agenda for the purpose of hearing Zoning applications be held from 10:30 o'clock a.m., until no later than 1:00 o'clock p.m.

It was agreed that this time frame would be reviewed in three months.

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 21 respecting demolition permit applications.

Demolition Permit Applications

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 153 Eleanor Avenue
- (b) 104 Ainslie Avenue

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 23 respecting By-law 80-245 as amended by By-law 88-09 respecting land drainage.

By-law 80-245, as amended by By-law 88-09 respecting land drainage

Some discussion ensued on this matter and it was agreed that this item be TABLED to the next meeting of the Committee and that it be listed as a public meeting item. It was also agreed that the Hamilton Homebuilders Association and Mr. Havarty be invited to attend the next meeting to discuss this matter.

Commercial Facade Loan
Programme. Application
314 James Street North

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 22 respecting Commercial Facade Loan Programme application - 314 James Street North.

The Committee approved the following:

That a repayable loan, in the amount of fifteen thousand dollars (\$15 000.) be approved under the Commercial Facade Loan Programme for 314 James Street North, Mr. Tatiana Giambattista at an interest rate of 6 3/4 percent, amortized over 10 years.

Comprehensive Audit -
Community Development

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 9 respecting Comprehensive Audit Report, Department of Community Development, Community Renewal and Housing Loans Section, departmental comments. The Committee was also in receipt of the Comprehensive Audit Report.

General discussion then ensued on this matter and the Committee agreed that the following recommendation be forwarded to the Finance Committee for their referral to the Comprehensive Audits Sub-Committee on the Comprehensive Audit Report of the Community Development Department:

That the Planning and Development Committee considers the Housing Improvement Loans to be of critical importance in allowing lower income homeowners to maintain their property at a level of quality acceptable to them and to the community.

Alderman Hinkley spoke with respect to page 4 of the Comprehensive Audit Report which quotes a recommendation 4.2 which says in-part "... setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis a evaluating performance against objectives...".

Alderman Hinkley also referred to the Comments made by the Director of Community Development on this matter as indicated on page 2 of the Directors Report, namely " 3. A more formal goal setting and measure of effectiveness will be utilized by the Community Development Staff - particularly management - by holding annual goal setting meetings with follow-up meetings to measure effectiveness". Alderman Hinkley feels that this recommendation should be expanded by the Director to outline the goals, measures of effectiveness and would like to see a model of their plans in doing this part of their recommendation.

Capital Projects 1990 -
1994 - Property Department

The Committee was in receipt of a report from the Director of Property dated 1989 November 16 respecting capital projects for 1990-1994.

The Committee approved the following:

That the following projects of the Hamilton Housing Company Limited be forwarded to the Co-ordinating Committee for consideration in the 1990-1994 Capital Budget.

<u>PROJECT</u>	<u>COST</u>	<u>YEAR</u>
Upgrade heating and electrical system - Macassa Park Senior Citizen Apartments.	\$165 000.	1990
Upgrade heating and electrical system - Ada Pritchard Senior Citizen Apartments.	\$450 000.	1991

Extension of Closing Date
- City Sale to Mercanti
Management Inc.

The Committee was in receipt of a report from the Director of Property dated 1989 November 21 respecting extension of closing date - City Sale to Mercanti Management Inc. - North Half Part 1, All Part 5, 62R-8770 - Upper Ottawa Street.

The Committee approved the following:

- (a) That Section 8 of the Seventeenth Report of the Planning and Development Committee as approved by City Council on 1989 July 25 be amended as follows:
 - (i) the closing date be extended from 1989 November 21 to 1990 February 22.
 - (ii) the construction commencement date in paragraph 6.3.1 of the Purchase Agreement be extended from 1990 March 21 to 1990 September 22.
 - (iii) the construction completion date in paragraph 6.3.2 of the Purchase Agreement be extended from 1991 March 21 to 1991 September 22.
- (b) That all other terms and conditions remain the same and time shall be of the essence.

The Chairman requested information from the Real Estate Department on the number of extensions being granted on closing properties on lands in the East Mountain Industrial Parkway and expressed concerns that persons who have purchased this land are asking extensions whereas there is a long waiting list for these lands. Mr. Watson of the Real Estate Department responded to the Chairman's inquiry.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 November 21 respecting cash payment in lieu of 5% parkland dedication for "Cantelmi Court."

Cash in Lieu of
Parkland - "Cantelmi
Court"

The Committee approved the following:

That the City of Hamilton accept the sum of \$9 625. as cash payment in lieu of 5% parkland dedication in connection with "Cantelmi Court", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located north of Rymal Road and west of Upper Ottawa Street in the Templemead Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 November 21 respecting cash payment in lieu of 5% parkland dedication for "Kingsberry Gardens - Phase 4".

Cash in Lieu of Parkland
"Kingsberry Gardens -
Phase 4"

The Committee approved the following:

That the City of Hamilton accept the sum of \$50 000. as cash payment in lieu of 5% parkland dedication in connection with "Kingsberry Gardens - Phase 4", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located north of Limeridge Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 8 respecting residential enclave acquisition.

Residential Enclave
Acquisition

Considerable discussion ensued on this matter and the Committee agreed with the Staff recommendation with the exception that funds be allocated in the fourth and fifth year of the Capital Budget in order that the project not be removed entirely from the Capital Budget process.

Accordingly the Committee approved the following:

- (a) That the enclaves acquisition program for Alpha East (east of Sherman), Leeds, Biggar and Stapleton be put on hold and that the remaining properties in Alpha West (West of Sherman) be acquired under the current acquisition program.
- (b) That the costs of acquisition and sale price of industrial land be monitored and a re-evaluation of the program carried out in 1990 in conjunction with the Business Land Use Advisory Board.
- (c) That a budget proposal be forwarded to the Co-ordinating Committee for consideration for inclusion in the 4th and 5th year of the 1990 - 1994 City of Hamilton capital budget.

Site Plan Control
Application DA89-72 -
66 Ewen Road

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1989 October 30 respecting Site Plan Control Application DA89-72 for a public storage warehouse at 66 Ewen Road.

The Committee was advised that the applicants for this matter wish this item to be withdrawn from the agenda and the Committee agreed to withdraw this matter from their agenda.

Proposed Draft Plan of
Subdivision "Eastgate
Heights Extension"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 1 respecting proposed draft plan of subdivision for "Eastgate Heights Extension".

The Committee approved the following:

- (a) That approval be given to Subdivision Application SA-89-12 "Eastgate Heights Extension", Landmart Building Corporation, owner, to establish a draft plan of subdivision located at the easterly termination of Village Drive, north of Delawana Drive and West of Centennial Parkway, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by Ashenhurst Nouwens Ltd., dated 1989 June 9, revised to show 2m x 2m daylight triangles at the intersection of Village Drive with Fairington Crescent and by deleting the area of Fairington Crescent.
 - (ii) That the street be dedicated as a public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That Blocks "7" to "12" inclusive be developed only in conjunction with adjacent lands.
 - (ix) That all lots fronting on Fairington Crescent not receive final approval prior to the registration of Eastgate Heights plan of subdivision (25T-86009).

- (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-12), Landmart Building Corporation, owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.
- (c) That the neighbourhood plan be amended accordingly.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 10 respecting proposed Draft Plan of Condominium "Rymal Industrial Estates".

Proposed Draft Plan of Condominium "Rymal Industrial Estates"

The Committee approved the following:

That approval be given for Condominium Application SA-89-17, "Rymal Industrial Estates", Dunston Developments Inc., owner, to establish a draft plan of condominium located on the east side of Upper Ottawa Street, north of Rymal Road, subject to the following conditions:

- (a) That this approval apply for the plan prepared by Guido Consoli Surveying Ltd., dated 1989 February 10.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 12 respecting Proposed Draft Plan of Subdivision "Abbey Hill Farm - Phase 2".

Proposed Draft Plan of Subdivision "Abbey Hill Farm - Phase 2"

The owner of property shown as lots 19, 20 and 21 spoke to the Committee and asked for various changes to be made to the Draft Plan of Subdivision. It was agreed the owner of these properties should speak to the Planning staff about his proposal and that the appropriate changes be made.

The Committee then approved the following:

- (a) That approval be given to Subdivision Application SA-89-09, Shedaco Holdings Limited, owner, to establish a draft plan of subdivision south of Rymal Road West, west of Christie Street, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by Ashenhurst Nouwens Limited dated 1989 November 8, revised to show 18 lots, 1 block for future development with abutting lands, 1 block for park purposes and 1 block for 0.3m reserve.
 - (ii) That the plan not receive final approval before a road access is established to this plan of subdivision and the storm and sanitary sewer system as well as municipal water services are available to service this plan of subdivision.
 - (iii) That the streets be dedicated as public highways on the final plan.
 - (iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (v) That the final plan conform with the Zoning By-law approved under The Planning Act.

- (vi) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "20".
 - (vii) - That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (viii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (ix) That the dead-end of the road allowance (Block "21") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance.
 - (x) That Block "19" be developed only in conjunction with abutting lands.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of the final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-09), Shedaco Holdings Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Kennedy East Neighbourhood Plan be amended accordingly to reflect the changes established by the draft plan of subdivision.

Proposed revision to a
draft approved Plan of
Subdivision "Wellington
Chase - Phase 2"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 10 respecting proposed revision to a Draft Approved Plan of Subdivision for "Wellington Chase - Phase 2".

Mr. Bill Sinclair Sr. and Jr., owners of the subdivision area were in attendance to speak to this matter. Mr. Sinclair Sr. indicated that he disagreed with the proposed cul-de-sac and wishes to have a "hammerhead" road ending.

The Committee agreed with this amendment and approved the following amended recommendation:

- (a) That the proposed draft plan of subdivision "Wellington Chase - Phase 2", Wellington Chase Inc., owner, in the City of Hamilton under Regional File No. 25T-87010, as approved by Regional Council on 1987 December 1 be revised by showing 58 street townhouse properties and a road within the area of Block "191" and by adding the following conditions after condition (j):
- (k) That Street "A" must be established to a width of 20m with a hammerhead at the termination of this cul-de-sac. Furthermore, Street "A" should be widened by 3.75m to 23.75m from the south property line of Lot 41 to the south limit of the plan;

- (l) That direct access to Lots 1 to 20 inclusive not be permitted from Upper Wellington Street. Access to Upper Wellington Street shall only be permitted through two common access points. Therefore, a minimum width of 6.0m mutual right-of-way be established along the westerly limits of the lots 1 to 20 inclusive immediately adjacent to the Upper Wellington Street road allowance as widened;
 - (m) That all lots (Nos. 1 to 58 inclusive) be subject to and comply with the requirements of the approved Site Plan Application DA-89-75;
 - (n) That prior to the final approval of this revision the owner receive an approval by the Committee of Adjustment for Lots 37 to 40 and 55 to 58 inclusive for a variance to the provisions of the applicable zoning district.
- (b) That the alphanumerical numbering of the remaining conditions be changed accordingly.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting acquisition of computer graphics workstation for the Planning and Development Department.

Acquisition of Computer
Graphics Workstation -
Planning Department

The Committee approved the following:

- (a) That the Planning and Development Department be authorized to acquire one computer graphics workstation to enhance Urban Design Services at a cost not exceeding \$60 000.
- (b) That the cost of this additional workstation be financed from anticipated savings in the Current (1989) salary and benefits accounts.

NOTE: The Planning and Development Department wishes to acquire a computer graphics workstation that will enhance the current level of urban design services.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Community dated 1989 November 10 Respecting delay of demolition - 65 Markland Street.

Delay of Demolition -
65 Markland Street

The Committee approved the following:

- (a) That City Council, in accordance with the provisions of Section 34(2) (b) of the Ontario Heritage Act, 1983, refuse the demolition application, hence prohibiting any work of demolishing or removing any building or structure on the property known as 65 Markland Street, for a period of 180 days; and
- (b) That no demolition permit be issued for 65 Markland Street until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of The Planning Act.

NOTE: Under no circumstances could any demolition permit be issued prior to the expiration of the above-noted 180 day period.

At this point the Committee moved to the City Hall Council Chambers to hear Zoning Applications.

Zoning Applications

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 21 respecting amended Zoning Application 89-28 for property located on the west side of Annabelle Street, north of Stone Church Road West.

ZA89-28 - West Side of
Annabelle Street, north
of Stone Church Road West

The Committee approved the following:

That approval be given to amended Zoning Application 89-28, James Zaborsky, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development for property located on the west side of Annabelle Street, north of Stone Church Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of Annabelle Street, north of Stone Church Road West.

The effect of the By-law is to create two single-family residential building lots.

ZA89-70 - 718 & 720
Stone Church Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-70 for property at 718 and 720 Stone Church Road East.

The Committee approved the following denial recommendation:

That Zoning Application 89-70, Elia Investments (Hamilton) Limited, owners, requesting a modification to the established "R-4" (Small Lot Single-Family Detached) District regulations to permit 12 semi-detached dwellings in a "block form" of development with a common access drive from Stone Church Road, for property located at 718 and 720 Stone Church Road East, as shown on the attached map marked as Appendix "B", be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that the proposed development would contribute to the indiscriminate mix of housing types in this area comprised primarily of single-family dwellings.
- (b) It does not comply with the approved Eleanor Neighbourhood Plan which designates the site for "single and double" residential use, in that the proposal is representative of a townhouse type development rather than conventional semi-detached dwellings.
- (c) It represents an over-intensification of land use, in that the proposed development would provide 24 units whereas conventional semi-detached development would yield approximately 16 units.
- (d) The proposed development is considered inappropriate and not in the interests of good planning.
- (e) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

ZA89-85 - 1171 Upper
James Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-85 for property at 1171 Upper James Street.

The Committee approved the following:

That approval be given to Zoning Application 89-85, 814904 Ontario Inc. (O. Zendel), owner, requesting a change in zoning from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District, modified to permit a one storey, 1 003 m² addition to the building located at 1171 Upper James Street, as shown on the attached map marked as Appendix "C" on the following basis:

- (a) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 14A(2), no building or structure shall exceed one storey in height.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-760a, and that the subject lands on Zoning District Map E-9B be notated S- 760a;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (f) That as a condition of Site Plan Approval, the applicant agree in writing, that only a right-in/right-out access will be permitted at the southerly portion of the property when the interchange is in operation.

NOTE: The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District modified, for the property located at the rear of 1171 Upper James Street.

The effect of the by-law is to permit a one storey, 1003 m² addition to the building located at 1171 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 21 respecting Zoning Application 89-93 for property at the rear of 311 Rymal Road East.

ZA89-93 - Rear of
311 Rymal Road East

The Committee approved the following:

That approval be given to Zoning Application 89-93, Henry and Shirley Joldersma, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to create four building lots for single-family residential dwellings, for property located at the rear of 311 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 311 Rymal Road East.

The effect of the By-law is to subdivide the subject property to create four (4) building lots for single-family dwellings, fronting onto the street at the rear (Bastille Street).

ZA-89-77 - North of
Queenston Road, West of
Grays Road

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-77 for property at the north of Queenston Road west of Grays Road.

The Committee was also in receipt of a petition of opposition to this Zoning Application from persons on Federal Street, Berkindale Drive and Grays Road.

Report of the circularization was given as follows: 173 notices sent, 10 in favour, 9 opposed.

Mr. Lomand Webb, 10 Federal Street, spoke to the Committee and submitted the petition which includes 67 names opposing the development as previously noted. Mr. Webb then spoke on the reasons why the persons who signed this submission are in opposition to this application.

Mr. William Fleet, 6 Federal Street, and Mr. Millett, 411 Berkindale Drive, both spoke in opposition to the application.

Mr. Terance Morrison, agent for the owners of the properties spoke on why the application should be approved. He added that he does not feel that the height of the proposed building is an issue and further elaborated on the aspects of the staff report that they disagree with.

The Committee then discussed this matter and approved the following denial recommendation:

18. (A) That Zoning Application 89-77, 766284 Ontario Ltd., (F. Kumoi) owner, requesting changes in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs etc.) District modified (Block "2"), to permit the construction of a 12 storey, 106 unit apartment building, for the property located north of Queenston Road and west of Grays Road, as shown on the attached map marked as Appendix "E", be DENIED for the following reasons:
- (a) It conflicts with the intent of the Official Plan, in that the height and bulk of development would not integrate with the surrounding area, and is incompatible with the existing and proposed uses.
 - (b) It conflicts with the intent of the approved Riverdale East Neighbourhood Plan which designates the lands "Commercial-Special Provisions." In this regard, it is intended that these lands be developed with the commercial lands fronting on Queenston Road.
 - (c) It represents an overintensification in land use, in that the proposed development would have a floor area ratio (F.A.R.) of 3.1, whereas the maximum permitted under the "E" district regulations is 1.7. The development, would yield approximately 216 units per hectare (90 units per acre) which is considered as high density development.
 - (d) The applicant proposes to use a portion of the subject lands for 12 of the 24 required parking spaces for Northside Plaza (located to the south of the subject lands). This arrangement is unsuitable, in that the plaza will no longer be able to meet By-law requirements and it is contrary to the Zoning By-law which prohibits access for a commercial development within a residential district.

- (B) That the City Clerk be authorized to notify the City of Stoney Creek of City Council's decision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Zoning Application 89-81 for property at 130 Bay Street South (St. Mark's) (Hamilton) Non-Profit Housing Inc.

ZA-89-81 - 130 Bay Street
South (St. Mark's Church)

Report of the circularization was given as follows: 1236 notices sent, 76 in favour, 103 opposed.

The Committee was also in receipt of the following letters of submission:

- a) Robert S. Johnston, Q.C., Johnston and Peart, on his own behalf
- b) L. A. Prociuk, Chair, Task Force on St. Mark's Church, Durand Neighbourhood Association Inc.
- c) Marie Stock, 412 - 121 Hunter Street West
- d) Petition from numerous persons within the area in opposition to the application
- e) Robert Westbrook, 125 Bold Street, Apt. 31

Mr. Trevor Garwood-Jones, Architect for this project spoke to the Committee on why the application should be approved.

Mr. R. S. Johnston, 136 Bay Street South spoke in opposition to the application and indicated that there is an overintensification already in the area. He added that he is not opposed to offices but is opposed to an apartment building. He added that the vacant land is needed as parkland for the area and that the building is historic.

Mr. Peter Hill, representative of the Durand Neighbourhood Association spoke briefly and introduced the Task Force which was established by the Durand Neighbourhood in June to review the development of this project. He added that they support the goals of the church but not the specific application.

Ms. Prociuk, Chair of the Task Force set up by Durand Neighbourhood to review the St. Mark's church property spoke. She read her letter of submission on this issue dated 1989 November 29 which had been submitted to the Committee. She added that Durand supports the goals of the church to provide affordable housing, but feels that the proposal is too dense and is inappropriate for the area. She feels that the church building could be used for community service.

The Committee then discussed this matter at some length and approved the following denial recommendation:

That Zoning Application 89-81, St. Marks (Hamilton) Non-Profit Housing Inc. prospective owner, requesting a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit a 10 storey, 48 unit non-profit apartment building, and conversion of part of the existing church building to office use for the Anglican Church-Niagara Diocese, and part for a chapel for property located at 130 Bay Street South, as shown on the attached map marked as Appendix "F" be DENIED for the following reasons:

- (a) The proposal does not comply with the intent of the Official Plan in that the scale, density and bulk of development would be incompatible with the established character of development in this area. Furthermore, the office component cannot be considered as a permitted use within the Residential designation, because it does not primarily depend upon pedestrian access, nor does it serve the needs of the immediate neighbourhood.
- (b) The proposal does not comply with the intent of the approved Durand Neighbourhood Plan which designates the site for "Civic and Institutional" use.
- (c) The proposal conflicts with the intent of the Central Area Plan (O.P.A. 66) which encourages the location of commercial offices in the Downtown Core.

- (d) The proposal represents an over-intensification of use, in that the proposed floor area ratio (3.77 or 5 318.0m²) is approximately 2.2 x greater than what is permitted under the established "E-3" District zoning (1.7 or 2 394.45m²). In addition, the required variances for yards, landscaping, etc. are further indications of over-intensification.
- (e) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan, Neighbourhood Plan and Zoning By-law; and
- (f) It would result in only partial preservation of a listed building of architectural and historical interest.

Tiffany Block

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 22 respecting Tiffany Block - bounded by Barton, Tiffany, Stuart and Bay, Central Neighbourhood Plan Amendment.

The Committee was also in receipt of a letter of submission on this matter from Albert Lieberman, President, Hamilton Iron and Metal Company, advising that his company is opposed to the plan to change the block from industrial to commercial to medium density apartments.

Mr. McGibbon, Architect for the proposed project showed several concept drawings to the Committee on what they propose to build on this site and answered questions from the Committee on this matter.

Mr. Stuart Farwell, General Manager, Rheem Canada spoke in opposition to the plan. He advised that if approved, Rheem would be confronted with complaints from new neighbours who would be abutting their industry. He added that he is concerned at the timing of the project and that more time is needed for the perimeter road plans and more planning on the redevelopment of the area if needed. He feels that the redevelopment will happen in time but shouldn't be pushed forward prematurely.

Helen Kirkpatrick, 192 Bay Street South spoke to the Committee and added that she is not opposed to an increase in residential homes in the area. She is, however, concerned at where the perimeter road is going and also the widening of Bay Street. She questioned that if the plan is approved now whether her home will be faced with expropriation.

Mr. Ted Gill of the Regional Engineering Department spoke on the proposed perimeter road as it relates to the Bay Street area affected by the proposal.

Following discussion on this matter by the Committee, the following recommendation was approved:

- (a) That the Central Neighbourhood Plan be amended to change the Tiffany Block from "Commercial-Industrial" to "Medium Density Apartments" with special policies shown on Map 1, attached herewith and marked Appendix "G".
- (b) That the necessary Official Plan amendment and the Zoning By-law amendment (Application ZA-88-98) be held in abeyance pending:
 - (i) The completion of a noise impact study to the satisfaction of Council; and,
 - (ii) The completion of decommissioning plan for the auto wrecking site to the satisfaction of the Ministry of the Environment.

The Mayor also requested that staff should meet with Rheem Canada and the Ward Aldermen to review their concerns with respect to this proposal.

Wednesday, 1989 November 29

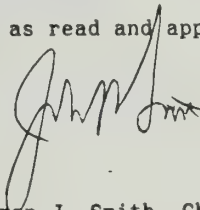
- 13 -

Planning and Development Committee

There being no further business the meeting then adjourned.

Adjournment

Taken as read and approved,



Alderman J. Smith, Chairman
Planning and Development Committee



Susan K. Reeder
Secretary
1989 November 29

CA40N HBLA05
C51P4

URBAN MUNICIPAL
LIBRARIAN



K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

1990 February 1st

NOTICE OF MEETING

Planning and Development Committee GO
Wednesday, 1990 February 7th
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder.
Susan K. Reeder
Secretary

SKR:dbm

DUE TO THE SCHEDULING OF AN ONTARIO MUNICIPAL BOARD HEARING
IN THE CITY HALL COUNCIL CHAMBERS, ZONING APPLICATIONS WILL
BE HEARD IN ROOM 233.

A G E N D A

BUILDING COMMISSIONER

1. Demolition Permit Applications.
2. Fees for Applications to the Committee of Adjustment.

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Ontario Home Renewal Programme - Registration of Loans on Tax Rolls
(Private & Confidential).
4. Proposed Budgets and Schedules of Payments.
 - (a) Concession Street Business Improvement Area.
 - (b) Downtown Promenade Business Improvement Area.
 - (c) Jamesville Business Improvement Area.
 - (d) Westdale Village Business Improvement Area.
 - (e) International Village Business Improvement Area.
 - (f) Ottawa Street Business Improvement Area.
 - (g) Barton General Business Improvement Area.
5. Revised Boards of Management.
 - (a) Ottawa Street Business Improvement Area.
 - (b) Westdale Village Business Improvement Area.
 - (c) Jamesville Business Improvement Area.

DIRECTOR OF PROPERTY

6. Authorization to include additional partners on the City sale to Mercanti Management Inc., Parts 2 and 3, Plan 62R-10547 - Upper Ottawa Street.
7. Authorization to allow the Transfer of Title to include additional partners in the City Sale to Messrs. Sam, Peter and Morris Mercanti - Anchor Road - Parts 3 and 4, Plan 62R-5200.
8. Land Exchange - City of Hamilton, Starward Homes Limited - Application for Inclusion in Land Titles; Part 1, Plan 62R-10500.

ACTING COMMISSIONER OF ENGINEERING

9. Cash Payment in Lieu of 5% Parkland Dedication - "Wentwal Estates".

DIRECTOR OF LOCAL PLANNING

10. Site Plan Control Application DA-89-74 - Columbia Secondary School of Canada - 1033 Main Street West.
11. Request to discharge the modified subdivision agreement for the shopping centre located at 530-550 Fennell Avenue East.
12. City Initiative to establish Site Plan Control - Main Street West between Dundurn Street and Queen Street.
13. Proposed Perimeter Road Project - CAPIC recommendations.
14. Request for a waiver from the requirements of a Feasibility Study and Impact Analysis for City owned lands west of Nash Road and north of the C.N.R.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

15. Proposed Demolition - 114 Main Street West.
16. St. Mark's Anglican Church, 130 Bay Street South - Feasibility Study.
17. National Historic Sites and Monuments Board Plaque - Custom House.
18. Preparation of Sale Agreement - Pigott Lobby Windows.
19. Heritage Conservation District Study - Durand South (Markland Street area).

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

ROOM 233

10:30 O'CLOCK A.M.

20. Zoning Application 89-107, Hampshire Properties Inc., c/o Effort Trust Co., owner, for a change in zoning from "AA" to "C" for the rear part of 1265 and 1269 Upper James Street; Jerome Neighbourhood.
21. Zoning Application 89-120, A. Filazzola, owner, for a change in zoning from "AA" to "C" for the rear part of property at 641 Limeridge Road East; Thorner Neighbourhood.

10:45 O'CLOCK A.M.

22. Zoning Application 89-115, Liuna Local 837 Health and Welfare Plan, owner, for a modification to the "E" District regulations for property at 18 West Avenue South; Stinson Neighbourhood.
23. Zoning Application 89-125, Joan and Bruce Richardson and Ruby and Wellman Stockton, owners, for a change in zoning from "B" to "C" for properties at 63 and 67 Malton Drive; Kennedy East Neighbourhood.

11:00 O'CLOCK A.M.

24. Zoning Application 89-101, J. Mancinelli, H. Mancinelli and R. Persi, owners, for a change in zoning from "AA" to "E-2" for properties at 1334, 1340, 1342 and 1348 Upper Sherman Avenue; Rushdale Neighbourhood.

25. Other Business.

26. Adjournment.

FOR ACTION

1.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: January 31, 1990

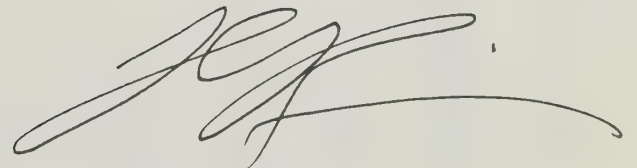
COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

A handwritten signature in black ink, appearing to be 'J. King', is written over the recommendation section.

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 1019 Scenic Drive
- b. 68 Royal Avenue

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

[illegible]

FOR ACTION

2.

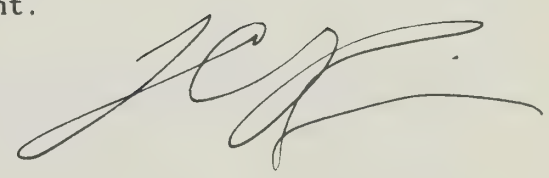
REPORT TO: Planning & Development Committee

FROM: L.C. KING, P.Eng.
Building Commissioner

DATE: January 23, 1990
COMM. FILE:
DEPT. FILE: 90.2.4.2.1

SUBJECT:

Fees for applications to the Committee of Adjustment.



RECOMMENDATION:

That By-law No. 87-350 prescribing a tariff of fees in relation to anticipated administrative costs be appropriately amended to reflect a fee increase from the present \$180.00 to \$250.00 for applications to the Committee of Adjustment effective 1990 April 2.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The fee increase will partially recover administrative costs for present and anticipated work volumes.

BACKGROUND:

The present \$180.00 fee has not been altered since 1987 December 31. The anticipated administrative cost per application is about \$300 directly related to the processing of applications. This \$300 anticipated cost does not include support service costs such as comments from other departments, i.e. Regional Planning, Traffic, etc. The Committee of Adjustment, at its hearing of 1990 January 31, supported the fee of \$250. For the information of the Committee, severance application fees were recently increased from \$275.00 to \$500.00

FOR ACTION

4a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31
COMM FILE:
DEPT FILE: 800-0014.7

SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments

RECOMMENDATION:

- a) That, the 1990 operating budget of the Concession Street B.I.A. (attached as Schedule 'A') be approved in the amount of twenty-six thousand, sixty dollars (\$26,060.).
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1990 be as follows:

March 01	\$6,000.
April 01	4,000.
June 01	6,000.
August 01	4,500.
October 01	5,560.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At a general meeting held 1989 November 22 the Concession Street B.I.A. adopted a budget of twenty-six thousand, sixty dollars (\$26,060.).

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Mr. D. Goodman, Asst. Supervisor Business Tax
Treasury Department

Mr. J. Thompson, Secretary
Finance and Administration Committee

E. Kowalski



BOARD OF MANAGEMENT,
CONCESSION STREET
BUSINESS IMPROVEMENT AREA 1
644 CONCESSION ST.,
AT EAST 25th ST.,
HAMILTON, ONTARIO L8V 1B5
BUS.: 574-8804

November 24, 1989

Department of Community Development,
The Corporation of the City of Hamilton,
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. E.W. Kowalski

Ladies and Gentlemen:

1990 BUDGET PROPOSAL

Enclosed is a copy of the 1990 Budget for the Concession Street Business Improvement Area. It was approved at the membership meeting held on November 22, 1989. Also enclosed is a copy of the notice regarding the above annual meeting.

A schedule of payments indicating when funds are required by the B.I.A. is attached. Any shortfall for 1989 may be deducted from the first payment in March 1990.

If you have any questions, please contact the undersigned.

Yours truly,


Yvon Jean, Treasurer
Concession Street B.I.A.

YJ/df

Nov 30/89
800-0011.7
1008-26

81.11.30 Jha
RJD

SCHEDULE OF PAYMENTS FOR 1990 - CONCESSION STREET B.I.A.

<u>DATE REQUIRED</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
March 1, 1990	\$ 6,000.00	Rent and insurance and accounting
April 1, 1990	4,000.00	Promotions; Easter, Mothers Day, Fathers Day
June 1, 1990	6,000.00	Summer Festival
August 1, 1990	4,500.00	Fall Fair
October 1, 1990	<u>5,560.00</u>	Christmas, Midnight - Madness
TOTAL	<u>\$26,060.00</u>	

yv. Jean
Yvon Jean, Treasurer
Concession Street B.I.A.

YJ/df

FOR ACTION

4b

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31
COMM FILE:
DEPT FILE: 800-0014.2

SUBJECT: Downtown Promenade Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments

RECOMMENDATION:

- a) That, the 1990 operating budget of the Downtown Promenade B.I.A. (attached as Schedule 'A') be approved in the amount of one hundred and ninety-nine thousand, nine hundred and eighty dollars (\$199,980.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1990 be as follows:

January 01	\$23,980.	February 01	16,000.
March 01	16,000.	April 01	16,000.
May 01	16,000.	June 01	16,000.
July 01	16,000.	August 01	16,000.
September 01	16,000.	October 01	16,000.
November 01	16,000.	December 01	16,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

E. Kowalski

N/A

BACKGROUND:

At a general meeting held 1989 December 14 the Downtown Promenade B.I.A. adopted a budget of one hundred and ninety-nine thousand, nine hundred and eighty dollars (\$199,980.)

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Mr. D. Goodman, Asst. Supervisor Business Tax
Treasury Department

Mr. J. Thompson, Secretary
Finance and Administration Committee

GORE PARK
DOWN TOWN
PROMENADE

Downtown Hamilton Business Improvement Area.
P.O. Box 1023, Station A, Hamilton, Ontario L8N 3R4 Telephone (416) 523-1646

A
Jan 9/90
800-001112
1017-412
ER
90/1/11
JMK
M.D.D.

January 8, 1990

Mr. E.W. Kowalski
Director
Community Development
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: 1990 Downtown Hamilton BIA Budget submission

Dear Ed,

Please find enclosed with this note a copy of the information presented and ratified at the Annual General meeting of the Downtown Hamilton BIA which was held on December 14, 1989 at the Royal Connaught Hotel 6:00 p.m. in the Hamilton Room.

The budget for 1990 was ratified as presented and is as follows:

	<u>ITEM</u>	<u>AMOUNT</u>	<u>%</u>
Revenue:	Levy	\$199,980	100
Expense:	Reserve (City Holdback)	19,989	10
	Fees/Administration	42,500	21
	Projects	<u>137,491</u>	<u>69</u>
Total:		199,980	100

The Board members were ratified as presented at this meeting and are listed on page four (4) of the accompanying information.

I trust this is sufficient to submit for Council approval. If you have any questions or require further information I will be happy to supply whatever is needed.

With thanks,


Mr. Gabriel Etele
Executive Director.

Encls.

IA Annual General Meeting 1989

2) Board of Directors:

Bernard Hanna (Chairman)	Central Guaranty Trust	577-4044
Ray Harris (Vice-Chair. & Beautification)	Harris & Henderson	528-4242
Dan Marissen (Treasurer)	Durward Jones Barkwell	525-9520
Jordan Livingston (Liaison Comm.)	Jordan Livingston Furs	528-1177
Paul Pappas (Promotion Comm.)	Grapes & Things	526-1121
Tony Miele	Holiday Inn	528-3451
Will Gerofsky	Leeds of Hamilton	525-6267
Martin Kampen	Woolworth's	527-1555
Reggie Titian (Merchandising Comm.)	Reggie's Music & Sound	528-6739
David House (Sponsorship Comm.)	Telesis	521-1451
Gordon Bullock	Spectator	526-3333
Marcel Mongeon	Royal Connaught Hotel	527-5071
William McCulloch	Alderman (Ward 2)	526-2700
Vince Agro	Alderman (Ward 2)	526-2700

3) Budget:

Revenue:		<u>%</u>
Levy 199,980		100
Expense:		
Reserve (City holdback)	19,989	10
Fees/Administration	42,500	21
Projects	<u>137,491</u>	<u>69</u>
Total:	199,980	100

Notes: The budget will be supplemented with additional grants and sponsorship revenues.

The Chairman, Board of Management and Staff extend to you and your families and loved ones sincere best wished for the coming festive season and continues success and happiness in 1990.

We would like to extend to you an invitation to welcome in this new decade with our 2nd Annual New Year Celebrations in Gore Park. This is a joint venture with the City's Culture & Recreation Department. Our Mayor Bob Morrow will be on hand to bring in the 90's from our unique Gazebo. There will be entertainment and hot refreshments to warm you spirits. See you at the Gazebo!

FOR ACTION

4c.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31
COMM FILE:
DEPT FILE: 800-0014.8

SUBJECT: Jamesville Business Improvement Area (B.I.A.);
Proposed Budget and Schedule of Payments 1989

RECOMMENDATION:

- a) That, the 1990 operating budget of the Jamesville B.I.A. (attached as Schedule 'A') be approved in the amount of thirty-five thousand, four hundred and fifty dollars (\$35,450.) and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1990 Budget as referenced in (a) above.
- c) That, the schedule of payments for 1989 be as follows:

February 01	\$15,450.
May 01	10,000.
August 01	10,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At a general meeting held 1989 October 25, the Jamesville B.I.A. Budget for 1990 in the amount of thirty-five thousand, four hundred and fifty dollars (\$35,450.) including three thousand dollars (\$3,000.) refund to the City.

cc: Mr. J. Thompson, Secretary
Finance and Administration Committee

Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Mr. D. Goodman, Asst. Supervisor Business Tax
Treasury Department



BUSINESS IMPROVEMENT AREA

October 30, 1989

Department of Community Development
City Hall
71 Main Street West
Hamilton, Ontario

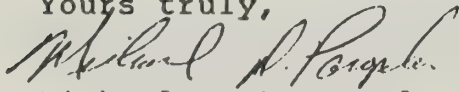
Attention: E. Kowalski

Dear Mr. Kowalski:

Jamesville had it's second try at a budget meeting, Wednesday October 25, 1989 and it was passed by a 5 to 2 vote by merchants present that evening.

Enclosed please find a copy of the 1990 budget for approval by Council.

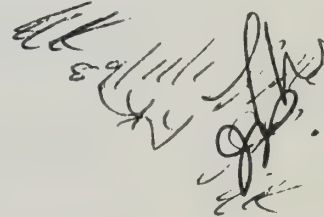
Yours truly,


Michael D. Panopoulos
President

cc: J. Pacey

Nov 9/89
800-004-8

1000-01



A

JAMESVILLE
APPROVED BUDGET FOR 1990

SPRING SIDEWALK SALE

Advertising	Newspaper	\$1,000.00	
	Radio	1,500.00	
	Billboards, printing	1,000.00	
Total		<u>3,500.00</u>	
Prizes		1,000.00	
Wages		500.00	
Entertainment		1,000.00	
Administration (permits etc.)		300.00	
Total		<u>2,800.00</u>	
GRAND TOTAL			\$6,300.00

ADMINISTRATION

Rent	1,150.00	
Photocopier	2,000.00	
Supplies	1,500.00	
Staff	20,000.00	
Petty cash	1,500.00	
GRAND TOTAL		26,150.00
REFUND TO CITY (Approx.)		3,000.00

<u>TOTAL FOR 1990</u>	<u>35,450.00</u>
-----------------------	------------------

FOR ACTION

4d.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31
COMM FILE:
DEPT FILE: 800-0014.5

SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments

RECOMMENDATION:

- a) That, the 1990 operating budget of the Westdale Village B.I.A. (attached as Schedule 'A') be approved in the amount of twenty-five thousand dollars (\$25,000.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1990 be as follows:

February 01	\$ 6,250.
April 01	6,250.
June 01	6,250.
October 01	6,250.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

E. Kowalski

N/A

BACKGROUND:

At a general meeting held 1989 November 08, the Westdale Village B.I.A. adopted a budget of twenty-five thousand dollars (\$25,000.).

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Mr. E. Matthews, Treasurer
Treasury Department

ATTENTION: Mr. D. Goodman, Assistant Supervisor Business Tax
Treasury Department

Mr. J. Thompson, Secretary
Finance and Administration Committee



Business
Improvement
Association

A

December 8, 1989

Mr. Dany Dubé
Community Renewal Officer,
City of Hamilton

Dear Dany:

At the Westdale Village B.I.A. general meeting of November 8, 1989 the official yearly budget was raised to \$25,000.

Elections for our Board of Management were held and four new members were nominated and approved. They are:

Yola Bernert - Woodland Leathers
Desmond Miklós Jr. - The Village f-Stop
Susan McConnell - Boudoir Keepsakes of Westdale
Bob Basadur - Cottonwood

Yours truly,

Terry Graham

Terry Graham
Secretary
Westdale Village B.I.A.

delete Martin Kane - Mary Ann's Gifts
Deborah Huxley - D.H. Fashions
Jan Jennings - Fine Seams Tailor

WESTDALE VILLAGE
B.I.A.
1990 PROPOSED BUDGET

Administration	\$ 4,600.
Advertising	7,500.
Audit	300.
Christmas Decorations	2,000.
Flowers - New Merchants	400.
Hydro	1,000.
Insurance	800.
Maintenance Plants & Flowers	2,000.
Meals - General & Directors Meetings	1,000.
Newsletter, Paper and Supplies	400.
Promotions	5,000.
TOTAL	<u>25,000.</u>
LESS - SURPLUS CARRY FORWARD	<u>5,000.</u>
TOTAL FUNDS REQUIRED	✓ \$20,000.

• approved by membership
Nov 9/89.

FOR ACTION

4e.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31
COMM FILE:
DEPT FILE: 800-0014.8

SUBJECT: International Village Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments

RECOMMENDATION:

- a) That, the 1990 operating budget of the International Village B.I.A. (attached as Schedule 'A') be approved in the amount of sixty-five thousand dollars (\$65,000.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as reference (a) above; and,
- c) That, the schedule of payments for 1990 be as follows:

February 01	\$25,000.
May 01	20,000.
July 01	20,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

E. Kowalski

N/A

BACKGROUND:

At a general meeting held 1989 December 04, the International Village B.I.A. adopted a budget of sixty-five thousand dollars (\$65,000.) which includes five thousand dollars (\$5,000.) for Christmas decorations.

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Mr. D. Goodman, Asst. Supervisor Business Tax
Treasury Department

Mr. J. Thompson
Finance and Administration Committee

^{Hamilton's}
INTERNATIONAL
Village

King Street East
between Wellington
and Mary

PROPOSED BUDGET, 1990

ADVERTISING, Print and Radio	\$30,000.00	
PROMOTIONS, Valentine, Easter Streetfest, Christmas	<u>\$10,000.00</u>	\$40,000.00
B.I.A. OPERATIONS:		
- Rent	\$4,200.00	
- Hydro, telephone	750.00	
- Equip. rentals, office supplies	<u>650.00</u>	\$ 5,600.00
- Salaries	\$18,500.00	
- C.P.P./U.I.C.	<u>1,668.00</u>	<u>\$20,169.00</u> \$25,768.00
INSURANCE, Accounting Fees, Bank charges		\$ 835.00
CHRISTMAS DECORATIONS, lights for street trees		<u>\$ 5,000.00</u>
TOTAL PROPOSED EXPENDITURE		\$71,603.00
Recoverable overhead costs from Job Development Programme (Sept. 1989-March 1990)		<u>\$(7,007.00)</u>
NET BUDGET REQUIREMENT		<u>\$65,000.00</u>

Approved by membership
Dec 4/89.

FOR ACTION

42.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31
COMM FILE:
DEPT FILE: 800-0014.10

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments

RECOMMENDATION:

- a) That, the 1990 operating budget of the Ottawa Street B.I.A. (attached as Schedule 'A') be approved in the amount of eighty-five thousand dollars (\$85,000.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1990 be as follows:

March 01	\$42,500.
June 01	21,250.
September 01	21,250.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

E. Kowalski

N/A

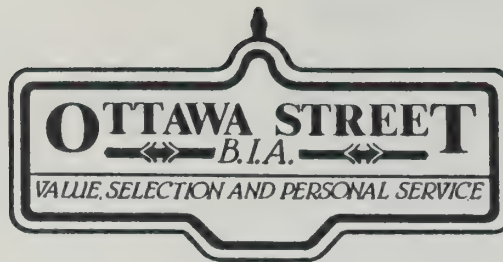
BACKGROUND:

At a general meeting held 1989 November 22 the Ottawa Street B.I.A. adopted a budget of eighty-five thousand dollars (\$85,000.).

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Mr. D. Goodman, Asst. Supervisor Business Tax
Treasury Department

Mr. J. Thompson, Secretary
Finance and Administration Committee



November 24, 1989

Mr. Ed Kowalski
Director of Community Development
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Jacqueline McNeilly

Dear Jacqueline:

On behalf of the Ottawa Street B.I.A., I would like to submit our requested schedule of payments for our 1990 budget.

Enclosed please find a copy of our 1990 B.I.A. budget of \$85,000. This amount was unanimously approved by all who attended the annual general membership meeting held on November 22, 1989.

We request that our schedule of payments be half (\$42,500 less necessary deductions due to unpaid levies) in the first payment and the rest split in two payments of \$21,250 each.

Some changes have been made to our Board of Directors, we therefore submit the following names as the Ottawa Street B.I.A. Board of Directors for 1990 - 1991.

Gerald Carrey (Chairman)
Howards Flower Shoppe

Saul Eisenberg (Vice-Chairman)
Liberty House Furniture

Edith Desmarais (Treasurer)
Fred Gregory Florist

Tom Easterbrook (Secretary)
Kents Hardware

Ed Widerman (Director)
Heirloom Portraits

Don Ferrell (Director)
Giant Tiger

John Gut (Director)
Textile Centre

Lillian Ross (Director)
Maggies Ladies Wear

John Driscoll (Director)
Price Busters Discount

NOV 27/89
ECO-0014.10
1007-42

87/11/28

[Handwritten signature]

*Delivered
Clandio Mirabella
Encore 1989*

new

If you have any further questions, please do not hesitate to contact me at Howards Flower Shoppe (545-3353) or through the B.I.A. office (544-5822).

Sincerely,



Gerald R. Carrey
Chairman

Enclosure

GRC/tt

cc. Mr. Brian Hinkley - Alderman Ward 3
Mr. Don Drury - Alderman Ward 3
Mr. David Christopherson - Alderman Ward 4
Mrs. Geraldine Copps - Alderman Ward 4

OTTAWA STREET B.I.A. PROPOSED 1990 BUDGET

Budget Item	Total \$	%
Rent		
12 months @ \$470	5,650	6.65
Realty taxes (yearly)	1,080	1.3
Utilities		
Hydro - office, 12 months @ \$83.00	1,000	1.18
Telephone - 2 lines @ 47.25, 12 months	1,135	1.34
- long distance calls, 12 months	475	.55
Insurance		
Total coverage includes: Liability, vandilism fire, computers, office equipment and special events	770	.90
Office Supplies		
Paper, pens, letterhead, capital newsletters, postage and sundries	1,500	1.76
Office Equipment		
Photocopier		
84,000 copies @ 7.2 cents = \$6,000.00		
less: revenue from merchants = \$2,000.00		
\$4,000.00	4,000	4.70
Typewriters		
2 service contracts	450	.52
Wages		
Manager's wages	18,720	22.02
Employees Benefits	1,875	2.20
Administrative Assistant (20 hrs/wk x \$6.50/hr x 50 weeks)	6,500	7.60
Employees Benefits	650	.76
Memberships		
O.B.I.A.A. National & Managers' Conference	500	.58
Advertising	13,000	15.29
Parking		
Meter feeder - 4 Saturdays @ \$50.00	200	.23
Beautification		
Street cleaner's wages		
37 weeks x 7 hours x 5 days @ \$7.00/hr	9,065	10.66
Employee Benefits	907	1.06
Streetcleaner's supplies - bags, brooms, etc.	400	.47
Plants and maintenance for planters in summer (40 planter barrels + soil + flowers)	1,950	2.30
Lighting Secondary		
Maintenance for lights in trees	4,000	4.70
Hydro for tree lights	2,500	2.94
Other Costs include:		
Flowers & gifts 450 .52		
Bank Charges 250 .30		
Workers Compensation 250 .30		
Refreshments for special meetings 400 .47		
Yearly audit of books 600 .76		
	2,000	2.35
Contingency Fund		
8.5 percent	6,620	8.5
Total	85,000	100.00

FOR ACTION

49.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31
COMM FILE:
DEPT FILE: 800-0014.12

SUBJECT: Barton General Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments

RECOMMENDATION:

- a) That, the 1990 operating budget of the Barton General B.I.A. be approved in the amount of six thousand dollars (\$6,000.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1990 be as follows:

April 01	\$2,000.
July 01	2,000.
October 01	2,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

E. Kowalski

N/A

BACKGROUND:

At a general meeting held 1989 December 06 the Barton General B.I.A. adopted a budget of six thousand dollars (\$6,000.).

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Mr. E. Matthews, Treasurer
Treasury Department

ATTENTION: Mr. D. Goodman, Asst. Supervisor Business Tax
Treasury Department

Mr. J. Thompson, Secretary
Finance and Administration Committee



BARTON GENERAL

Business Improvement Area

Chairman
Mr. Keith W. Cody
293 Barton East
Box 900
Hamilton, Ontario
L8N 3P6
Phone: 527-9163

January 19, 1990

To: City of Hamilton From: Keith W. Cody
 Community Development BIA
 Chairman
Attn: Danny Dube

Dear Danny:

Barton General BIA have the following officers
for the year 1990.

Chairman - - Keith W. Cody
Vice Chairman - Murray Korytko
Secretary - Sara Vizzari
Treasurer - Sidney Shumacher

Our Budget for 1990 is as follows:

\$6000.00 for 1990
~~\$4000.00~~ - Advertising
\$1000.00 - Secretarial
\$ 500.00 - Meetings
\$ 250.00 - Miscellaneous
\$ 250.00 - Christmas Decor

For Commercial Improvement Programs,,
we request: STREET BLADES
 FLOWER BASKETS

Yours truly,
Keith W. Cody

FOR ACTION

5a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 25
COMM FILE:
DEPT FILE: 800-0014.10

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.); Revised
Board of Management

RECOMMENDATION:

- a) That, By-law #87-147 appointing the Ottawa Street B.I.A. Board of Management be amended to delete the following names:

C. Mirabella

Encore T.V. and Video

and add the following:

J. Driscoll
L. Ross

Price Busters Discount
Maggie's Ladies Wear

- b) That, the City Solicitor be authorized and directed to amend By-law #87-147 pursuant to (a) above.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

A general meeting was held 1989 November 22 to ratify the new Board of Management (as per the attached Schedule 'A').

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department



A

November 24, 1989

Mr. Ed Kowalski
Director of Community Development
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

NOV 27/89
ECO-0014.10
1007-42

82/11/28 [Signature]

Attention: Ms. Jacqueline McNeilly

Dear Jacqueline:

On behalf of the Ottawa Street B.I.A., I would like to submit our requested schedule of payments for our 1990 budget.

Enclosed please find a copy of our 1990 B.I.A. budget of \$85,000. This amount was unanimously approved by all who attended the annual general membership meeting held on November 22, 1989.

We request that our schedule of payments be half (\$42,500 less necessary deductions due to unpaid levies) in the first payment and the rest split in two payments of \$21,250 each.

Some changes have been made to our Board of Directors, we therefore submit the following names as the Ottawa Street B.I.A. Board of Directors for 1990 - 1991.

Gerald Carrey (Chairman)
Howards Flower Shoppe

Saul Eisenberg (Vice-Chairman)
Liberty House Furniture

Edith Desmarais (Treasurer)
Fred Gregory Florist

Tom Easterbrook (Secretary)
Kents Hardware

Ed Widerman (Director)
Heirloom Portraits

Don Ferrell (Director)
Giant Tiger

John Gut (Director)
Textile Centre

NEW

Lillian Ross (Director)
Maggies Ladies Wear

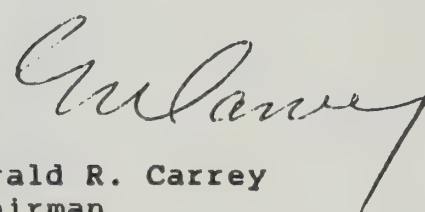
John Driscoll (Director)
Price Busters Discount

1/200

Delivered
Claudio Mirabella
Enclosed

If you have any further questions, please do not hesitate to contact me at Howards Flower Shoppe (545-3353) or through the B.I.A. office (544-5822).

Sincerely,



Gerald R. Carrey
Chairman

Enclosure

GRC/tt

cc. Mr. Brian Hinkley - Alderman Ward 3
Mr. Don Drury - Alderman Ward 3
Mr. David Christopherson - Alderman Ward 4
Mrs. Geraldine Copps - Alderman Ward 4

FOR ACTION

5b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 23
COMM FILE:
DEPT FILE: 800-0014.5

SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Board of Management

RECOMMENDATION:

- a) That, By-law #87-147 appointing the Westdale Village B.I.A. Board of Management be amended to delete the following names:

M. Kane
D. Hurley
J. Jennings

Mary Ann's Gifts
D. H. Fashions
Five Seasons Travel

and add the following:

Y. Bernert
D. Miklos Jr.
S. McConnell
B. Basadur

Woodland Leathers
The Village F-Stop
Boudoir Keepsakes of Westdale
Cottonwood

E. Kowalski

- b) That, the City Solicitor be authorized and directed to amend By-law #87-147 pursuant to (a) above.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."

...../2

- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

A general meeting was held 1989 November 08 to ratify the new Board of Management (as per the attached Schedule 'A').

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department

Westdale
Village

Business
Improvement
Association

December 8, 1989

Mr. Dany Dubé
Community Renewal Officer,
City of Hamilton

Dear Dany:

At the Westdale Village B.I.A. general meeting of November 8, 1989 the official yearly budget was raised to \$25,000.

Elections for our Board of Management were held and four new members were nominated and approved. They are:

Yola Bernert - Woodland Leathers
Desmond Miklós Jr. - The Village f-Stop
Susan McConnell - Boudoir Keepsakes of Westdale
Bob Basadur - Cottonwood

Yours truly,

Terry Graham

Terry Graham
Secretary
Westdale Village B.I.A.

delete *Martha Kane - Mary Ann's Gifts*
Deborah Hurley - D.H. Fashions
Jan Jennings - Fine Seams Travel

FOR ACTION

5c.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 January 31

COMM FILE:

DEPT FILE: 800-0014.8

SUBJECT: Jamesville Business Improvement Area (B.I.A.)
Board of Management

RECOMMENDATION:

- a) That, By-law #87-147 appointing the Jamesville B.I.A. Board of Management be amended to delete the following names:

D. Fraser
T. Monagimzada

and add the following:

G. Lipari
R. Corsini
R. Burridge

- b) That, the City Solicitor be authorized and directed to amend By-law #87-147 pursuant to (a) above.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

A general meeting was held to ratify the new Board of Management (as per attached as Schedule 'A').

cc: Mr. P. Hooker, Acting City Solicitor
City Solicitor's Department



BUSINESS IMPROVEMENT AREA

December 12, 1989

Department Of Community Development
City Hall
71 Main Street West
Hamilton, Ontario

Attention: Jacqueline McNeilly

Dear Jacqueline:

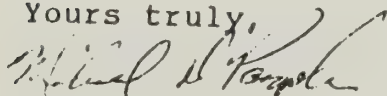
The following Board members resigned in 1989:

Doug Fraser
Taher Monagimzada

The Board of Directors have appointed the following new Directors
in 1989:

Gaspar Lipari
Ron Corsini
Ron Burridge

Yours truly,


Michael Panopoulos
President

FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

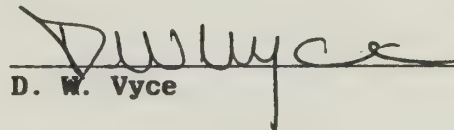
DATE: 1990 January 29
COMM FILE:
DEPT FILE: 20.1.295
(4504)

JAN 30 1990

SUBJECT: **Authorization to include Additional Partners
on the City Sale to Mercanti Management Inc.
Parts 2 & 3, Plan 62R-10547 - Upper Ottawa Street**

RECOMMENDATION:

- (a) That Item 8 of the 17th Report of the Planning and Development Committee as approved by City Council on July 25, 1989 be amended as follows:-
- (i) The City's Offer to Purchase agreement dated June 20th, 1989 be amended by expanding the number of Purchasers from Mercanti Management Inc. to **include Peter Mercanti, Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant each as to 20% undivided interest as tenants in common.**


D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

On July 25th, 1989, City Council approved the sale of 1.255 acres on Upper Ottawa Street to Mercanti Management Inc. Subsequently, on December 12, 1989, City Council authorized the extension of the closing date to February 22, 1990.

In order to facilitate the obtaining of financing for their proposed project, Mercanti Management Inc. requests approval to add additional investors to the project, prior to the closing date of February 22, 1990.

As the initial company, Mercanti Management Inc. is still involved with the project, this department has no objection in recommending the inclusion of additional partners.

c.c. - Mr. P.R.A. Hooker, Acting City Solicitor - Attn: L. Farr
- Mr. E.C. Matthews, City Treasurer
- Mr. R. Douglas, Supervising Surveyors

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

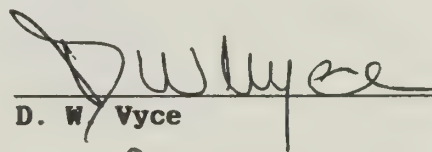
DATE: 1990 January 29
COMM FILE:
DEPT FILE: 100.68.30
(4504)

SUBJECT: Authorization to allow the Transfer of Title to include
Additional Partners in the City Sale to Messrs. Sam, Peter
and Morris Mercanti - Anchor Road - Parts 3 and 4, Plan 62R-5200

JAN 30 1990

RECOMMENDATION:

- (a) That Item 12 of the 16th Report of the Planning and Development Committee, as approved by City Council on July 26, 1988 be amended as follows:
- (i) That approval be granted to allow the transfer of title in the City's deed 9495 from Sam, Peter and Morris Mercanti to **Samuel, Peter, Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant** each as to a 20% undivided interest, as tenants in common.
 - (ii) That the Purchasers' solicitor must prepare all necessary agreements and deed subject to the approval of the City Solicitor.
 - (iii) That any costs incurred by the City in this regard will be borne by the Purchaser.


D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

On July 26, 1988, City Council approved the sale of 1.6502 acres of industrial land on the west side of Anchor Road to Sam, Peter and Morris Mercanti. The transaction was completed on September 25, 1989.

This department has received a request from Mr. R. Martin, solicitor on behalf of the Mercanti Brothers as to the possibility of amending the City's deed to allow for the transfer of title to include additional partners. This would assist the group in securing financing for their project.

As the initial owners, the Mercanti Brothers, are still involved with the project, we have no objection in recommending the inclusion of additional partners.

c.c. - Mr. P.R.A. Hooker, Acting City Solicitor
Attention: Mr. L. Farr
- Mr. R. Douglas, Supervising Surveyors

FOR ACTION

8.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

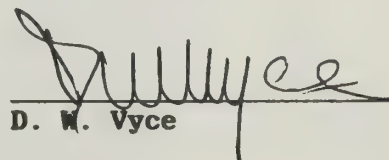
DATE: 1990 January 29
COMM FILE:
DEPT FILE: 50.18.274
(4506)

SUBJECT: Land Exchange - City of Hamilton
Starward Homes Limited
Application for Inclusion in Land Titles; Part 1, 62R-10500

JAN 10 1990

RECOMMENDATION:

- (a) That Starward Homes Limited be authorized to make an application to have the City owned lands described as Part 1, Plan 62R-10500 placed under the Land Titles System, and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the documentation prepared by Starward Homes Limited, provided that the content and form of same is satisfactory to the City Solicitor.


D. W. Vyce

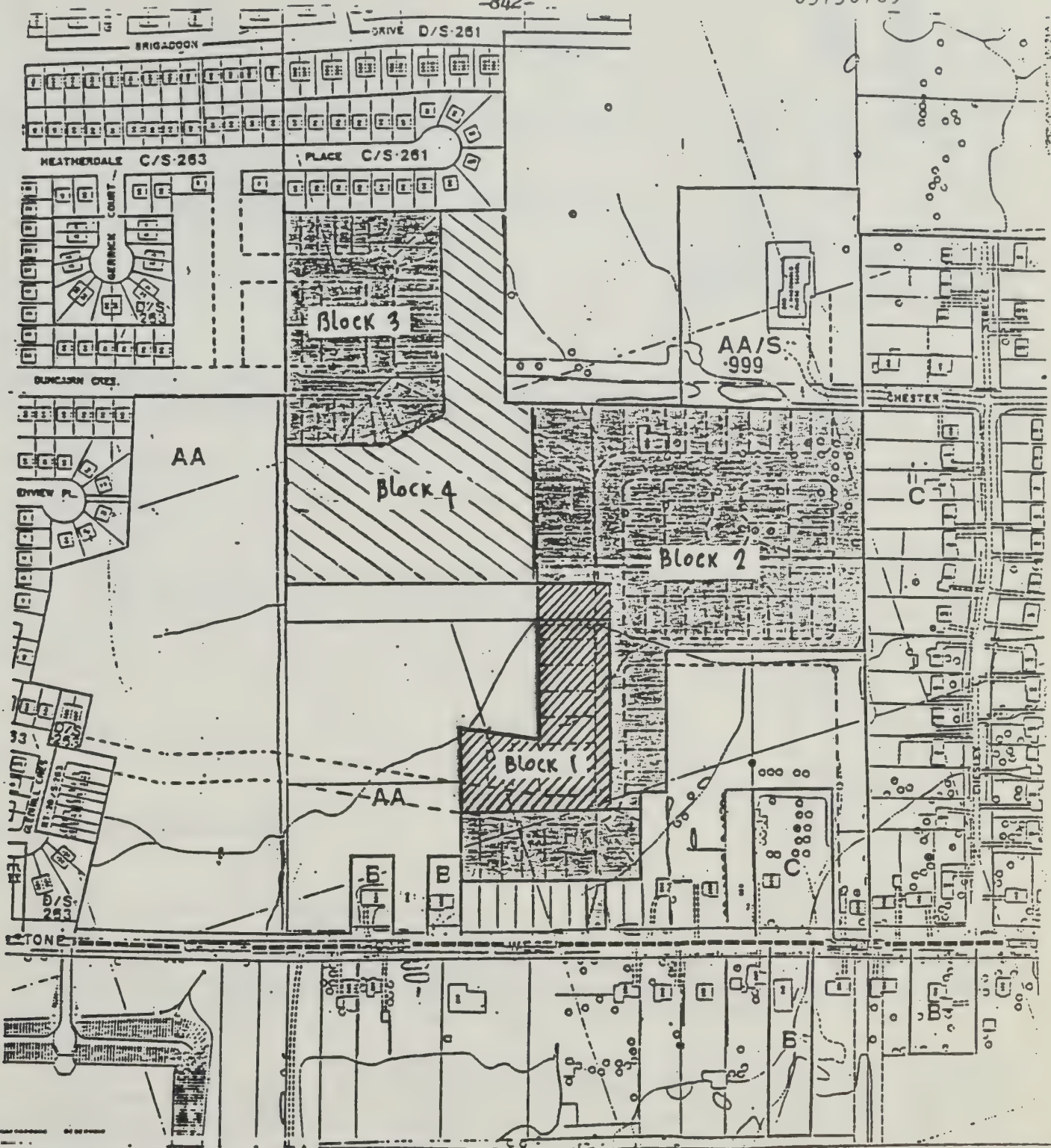
FINANCIAL IMPLICATIONS: - N/A -

BACKGROUND:

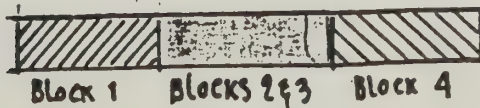
The City of Hamilton and Starward Homes Limited have agreed in principal to exchange lands to implement the approved Gourley Neighbourhood Plan. The parcel that Starward is to receive from the City, being the approximately 2.5 acres shown as Part 1, 62R-10500, is at present in the Registry System and is required to be placed under Land Titles before approval for subdivision development can be granted. The parcel that the City is to receive from Starward has already been placed under Land Titles.

Note: Starward Homes Limited was given approval to include the subject City owned parcel, Block 1, with other Starward lands in Zoning Application 89-15 and Subdivision Application 88-05, pursuant to City Council's May 30th, 1989 in adopting Item 9 of the 14th Report of the Planning and Development Committee.

c.c. - Mr. A. Georgioff, Director of Local Planning
- Mr. P.R.A. Hooker, Acting City Solicitor
- Mr. R. Douglas, Supervising Surveyors



LEGEND.



SUBJECT LANDS.

Appendix "B" as referred to in Section 9 of the FOURTEENTH Report for 1989 of the Planning and Development Committee.



Plan of Survey
 Part of Lot 17 & Part of the Original
 Road Allowance Between Towns
 Lots 16 and 17 - Concession
 Geographic Township of Barton
 now in the

City of Hamilton
 Regional Municipality of Hamilton-Wentworth

Scale 1:1000
 0 10 20 30 40 50 metres

D.G. Fraser O.L.S.
 1989



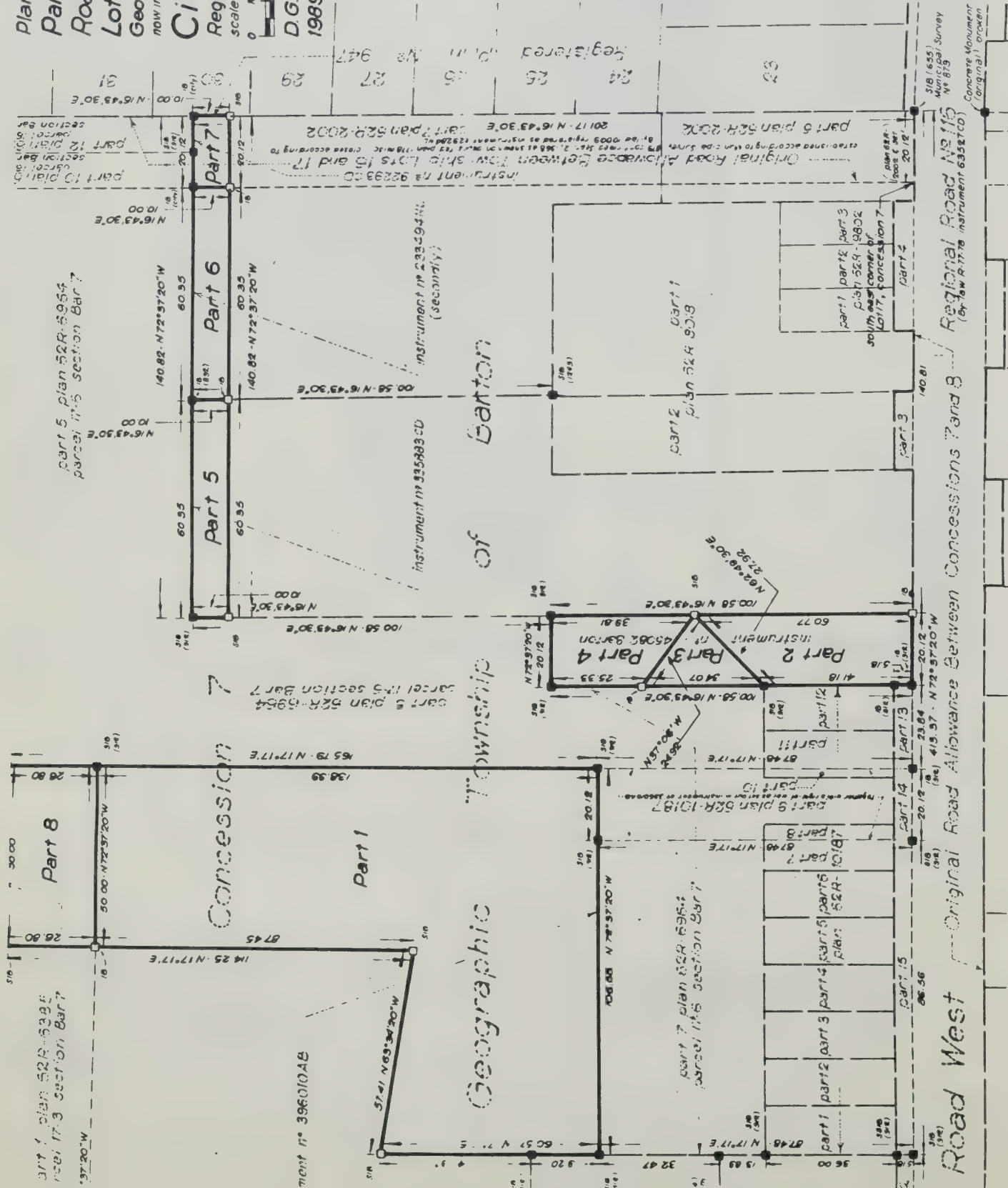
Caution:
 This plan is not a plan of subdivision with
 meaning of The Planning Act.

Metric:
 Distances shown on this plan are in metres
 to be converted to feet by dividing by 0.3048

Legend:
 sign thus □ denotes a survey monument found
 sign thus ■ denotes a survey monument found
 1/8" denotes iron bar
 3/16" denotes standard iron bar
 5/16" denotes short standard iron bar
 (1855) J.T. Peters O.L.S.
 (1892) J.G. Flaherty O.L.S.
 (1912) A.J. Clarke O.L.S.
 (1945) E. Barich O.L.S.
 (city) City of Hamilton
 (ou) origin unknown

Bearings are astronomic and referred to the north
 of Stone Church Road West as shown on plan 62R
 having a bearing of N72°37'20"W.

Surveyor's Certificate:
 I certify that:
 1 This survey and plan are correct and in accordance with the law.



F O R A C T I O N

9.

REPORT TO: MS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: E.M. GILL, P, ENG.
 ACTING COMMISSIONER OF ENGINEERING

DATE: 1990 January 17
COMM FILE:
DEPT. FILE: S723-48

SUBJECT

"Wentwal Estates", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATIONS

That Item 5 of the 26th Report of 1989 on November 14, 1989 be rescinded.

That the City of Hamilton accept the sum of \$66,900.00 as cash payment in lieu of 5% dedication in connection with "Wentwal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

Ted Gill

E.M. Gill, P.Eng.
Acting Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owner of the land for the above referenced subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the subdivision agreement has been calculated at \$66,900.00. This revised figure has been calculated as a result

Cont'd

-Page 2-
January 17, 1990

**"Wentwal Estates", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

Cont'd

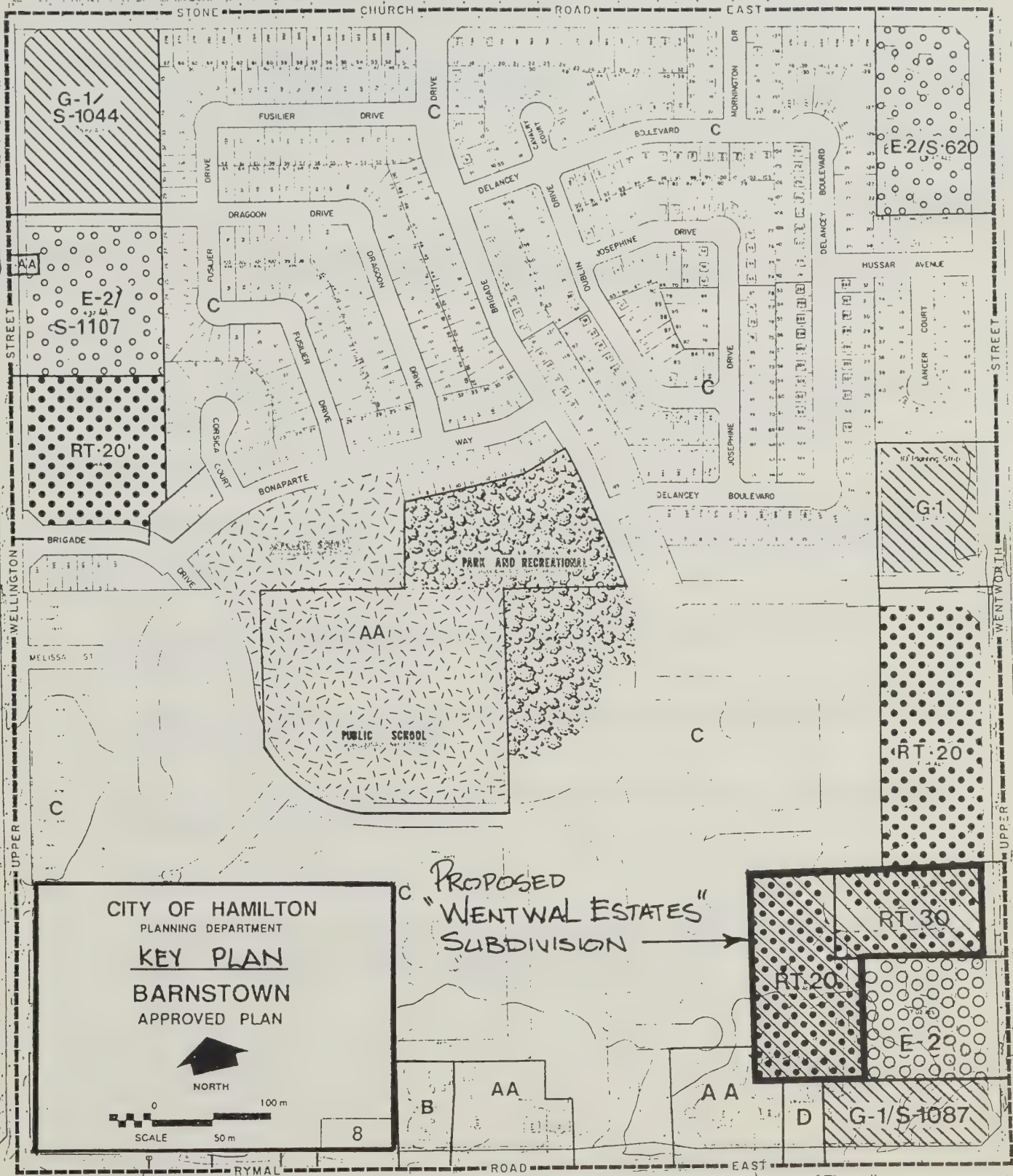
of the addition of Block 40 to the subdivision. The addition of Block 40 along with lots 1-39 inclusive make up the entire subdivision of Wentwal Estates.

Note:

These lands are located west of Upper Wentworth Street and north of Rymal Road in the Barnstown neighbourhood, Hamilton

11/ MJI:ja
5/ Attach.

cc: D.J. Consoli, City Treasury Department



10.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 29, 1990
COMM FILE:
DEPT FILE: DA-89-74
Ainslie Wood
East
Neighbourhood
(ZA-88-65)

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

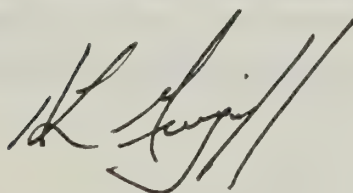
SUBJECT

Site Plan Control Application DA-89-74 for a five (5) storey student residence and modification to the existing parking area at 1033 Main Street West (Columbia Secondary School of Canada).

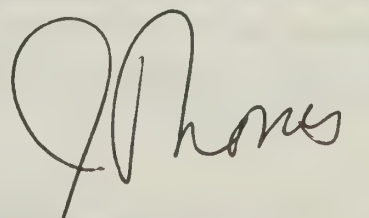
RECOMMENDATION

That approval be given to Site Plan Control Application DA-89-74 by COLUMBIA SECONDARY SCHOOL OF CANADA, owners of lands know as 1033 Main Street West for a five (5) storey student residence subject to the following:

- i) modification to the plan in relation to notes, dimension and parking layout as marked in red on the plans;
- ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- iii) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department;
- iv) finalization of By-law 89-220;
- v) incorporation of comments from Ontario Hydro regarding the Noise Abatement Report and, grading of the subject land adjacent to the Ontario Hydro property.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted for a five (5) storey student residence and modification to the existing parking area of Columbia Secondary School of Canada at 1033 Main Street West. The residence will have a gross floor area of 3187.5 m² and will consist of 99 lodging rooms. The development will provide 58 parking spaces and one (1) loading space. A landscape treatment has been proposed for the new residence.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the grading plan requires clarification and modification. A revised grading plan should therefore be submitted to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

The Building Department has advised that they have reviewed the site plan and have found it to be satisfactory. However, the development is subject to finalization of By-law 89-220.

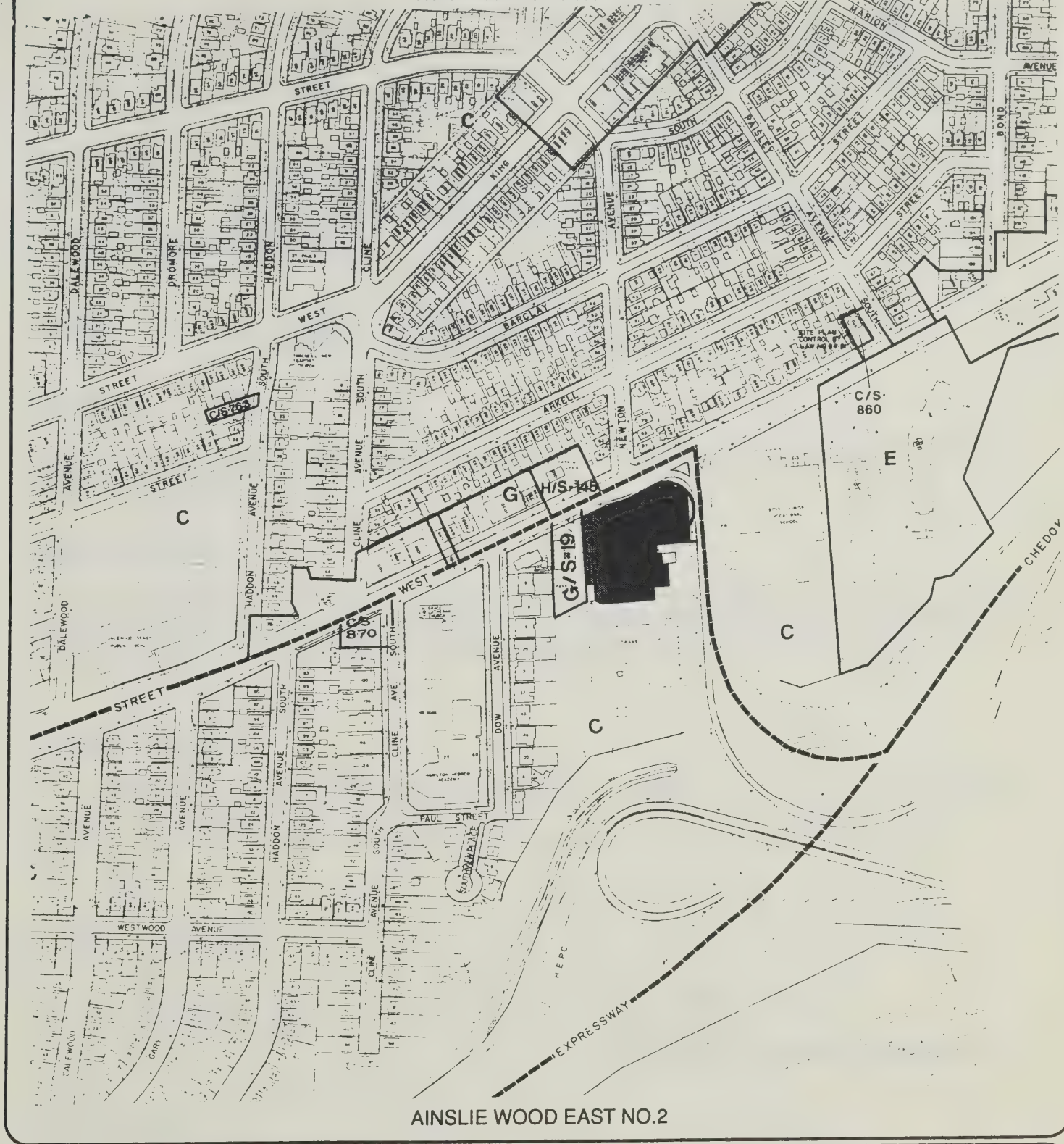
The Traffic Department has reviewed the plan submitted and has found it to be satisfactory. However, they have recommended that the parking layout be revised as shown in red on the plan.

Ontario Hydro has advised that they have recently received a Noise Abatement Report prepared by the applicant's consultant and are reviewing it at this time. Thus, the applicant will be required to incorporate any comments and concerns from Ontario Hydro pertaining to the Noise Abatement Report. Furthermore, they have advised that any lot grading adjacent to the Ontario Hydro property will require their approval.

COMMENTS

Various modifications are required in relation to notes, dimensions and parking layout and have been shown in red on the plans.

The landscape treatment should be modified, as shown in red on the plan, in order to improve visibility at the access to the site as well as improving visibility for vehicles entering the on-ramp from Main Street West to the 403. Furthermore, consideration should be given to providing a landscape treatment within the entrance court to the residence, as shown in red on the plan. Alternatively, a revised landscaped plan should be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.



AINSLIE WOOD EAST NO.2

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-89-74

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
August 1989

Reference File No.
DA-89-74

Drawn By
F.V.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 23, 1990
COMM FILE:
DEPT FILE: 4143

FROM:

J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

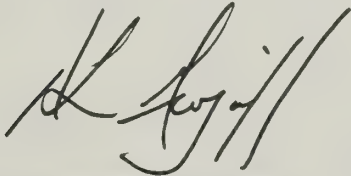
Request to discharge the modified subdivision agreement for the shopping centre located at 530-550 Fennell Avenue East.

RECOMMENDATION

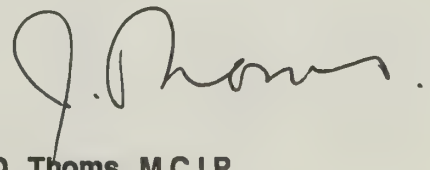
That approval be given to a request by Bassel, Sullivan and Leake, solicitors for the owner of the property at 530-550 Fennell Avenue East, to discharge a modified subdivision agreement, registered on December 31, 1957 as Instrument No. 34335 HL and that the City Solicitor proceed accordingly.

EXPLANATORY NOTE

The modified subdivision agreement which was registered on December 31, 1957 has become outdated and does not recognize various alterations of the site which have subsequently been processed and controlled by the Site Plan Control procedure and by-laws No. 87-150, No. 87-223 and No. 79-276.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

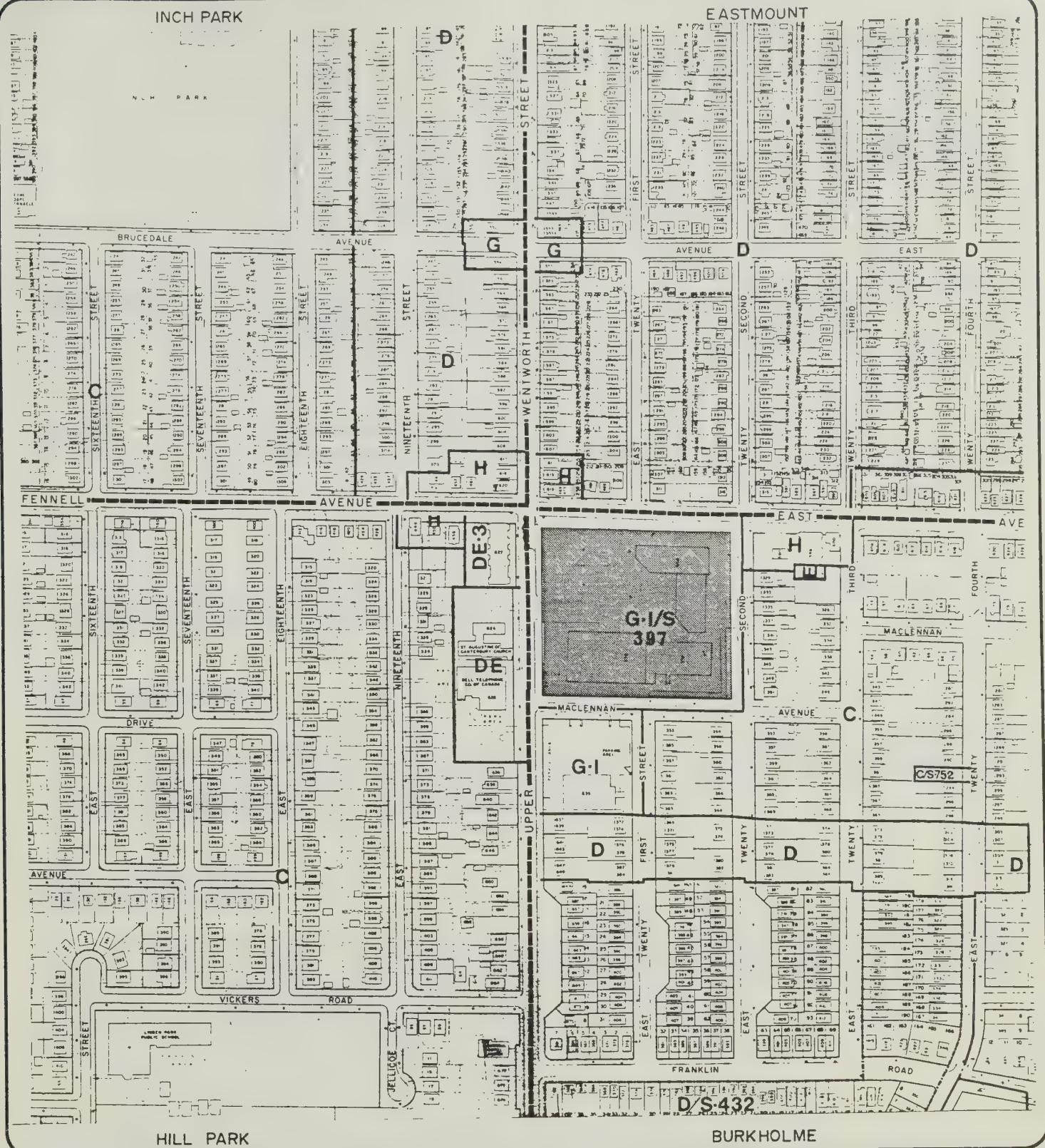
During the period between 1950 to 1974, major shopping centres were developed in accordance with modified subdivision agreements which were registered on title of the land. As of 1974, the procedures were modified and development and re-development of shopping centres were controlled under Site Plan Control By-law No. 79-275 and No. 29-276 and subsequently amended by-laws. At present, By-law No. 87-150 and 87-223 provides controls of Site Plan Control for development located in certain zoning districts and areas of the City.

The subject property at 530-550 Fennell Avenue East was originally developed as Loblaws Groceteria following the details as provided by the registered agreement. Subsequent changes to the site have developed under various Site Plan Control Applications and approved plans.

The Engineering Department which has normally reviewed the modified plan of subdivision documents have indicated that they have no interest in the registered agreement and would have no objection to its discharge.

It is therefore recommended that since the original agreement is outdated and since redevelopment of the site is subject to Site Plan Control, the existing registered modified subdivision agreement should be discharged.

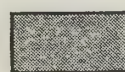
JPS/ma
WP4143



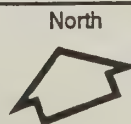
City of Hamilton
Plan Showing
Lands Subject to
**Site Plan Control
Application**

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application



North

Scale
1:5000

Date
JAN., 1989

Reference File No.
DA-88-12

Drawn By
R.J.M.

12.

F O R A C T I O N

REPORT TO: **SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE**

**DATE: January 29, 1990
COMM FILE:
DEPT FILE: 4143**

FROM: **J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT:

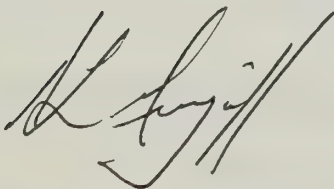
To include the lands located on the north and south sides of Main Street West, between Highway No. 403 and Queen Street South, under Site Plan Control.

RECOMMENDATION

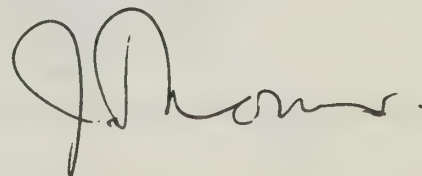
That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located on the north and south sides of Main Street West between Highway No. 403 and Queen Street South, and that the City Solicitor be directed to proceed with such action.

EXPLANATORY NOTE

The purposes of the By-law is to include the lands under Site Plan Control. Any development proposed along the Main Street corridor in this area would be required to submit various plans for approval. This action was a recommendation of the report entitled "City Entrance - Main Street West" which was accepted by City Council at its meeting of November 14, 1989.



**A.L. Georgleff, M.C.I.P.
Director of Local Planning**



**J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department**

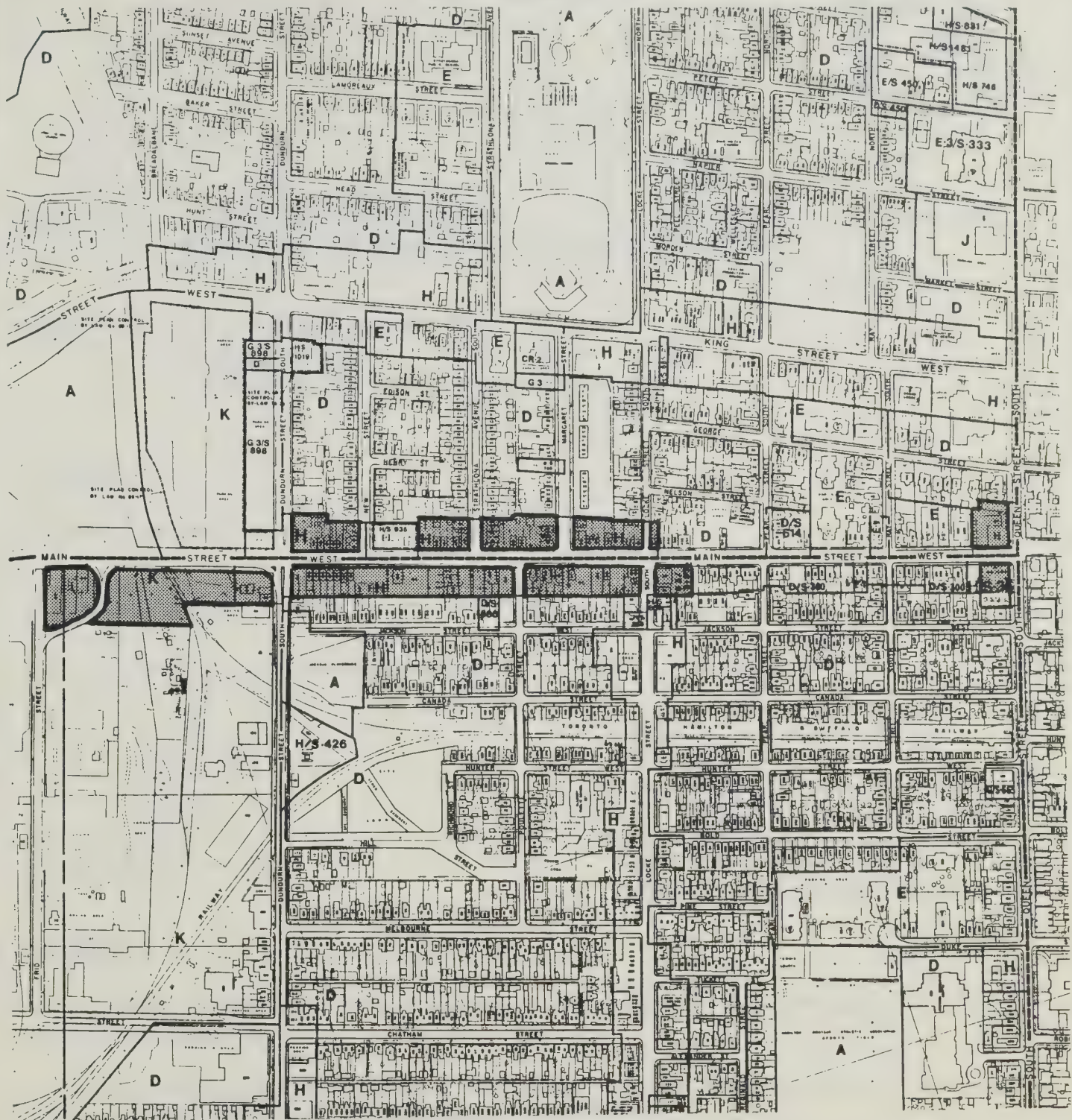
BACKGROUND

At its meeting of November 14, 1989, City Council accepted the Main Street West concept as contained in a report entitled "City Entrances - Main Street West". As part of the Implementation Strategy of the report, it was recommended that the lands along the Main Street West corridor be placed under Site Plan Control. This would assist in co-ordinating new developments to incorporate the Main Street West concept to improve the image of the City entrance.

The by-law would be amended to include those lands as designated in the attached schedule which are presently not under Site Plan Control.

JPS/ma
WP4143

STRATHCONA No. 127



KIRKENDALL NORTH No.92

City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
January, 1990

Reference File No.

Drawn By
W. B.

FOR ACTION

13.

REPORT TO SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE
DATE: January 29, 1990
COMM. FILE
DEPT. FILE :P5-4-7-9

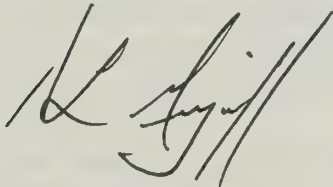
FROM J. D. THOMS, M.C.I.P.
COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

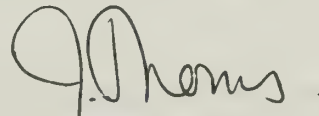
Proposed Perimeter Road Project - CAPIC Recommendations

RECOMMENDATION

That the attached report be forwarded to City Council for referral to Regional Council.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

COMMENTS

Public meetings are proposed for late March, early April to review and solicit public input on the design of the proposed perimeter road.

CAPIC has concerns regarding the design of the proposed Perimeter Road and the role it is to assume in the broader Regional Transportation network.

CAPIC recommends that a comprehensive transportation study be carried out by the Region of Hamilton-Wentworth.

Such a study is desirable to co-ordinate all major road initiatives, to reflect the policies of the Central Area Plan, and to assess the role the perimeter road would play in the larger Regional Transportation network (including the portion of Highway 403 in Burlington).

CAPIC's report should be forwarded via the City, and Regional Council's to the Regional Engineering Services Committee.

CAPIC also recommends that a study be undertaken by the City of Hamilton to improve links between the downtown and the waterfront. Such a study would address itself to pedestrian and traffic links, putting decking over the CNR and perimeter road corridor, and the complementarity of the Central Business District and the Waterfront. (The issue of complementarity would include such things as how to get downtown office workers to the Waterfront Park over lunch hour, when such a facility is built). These matters are of concern to CAPIC, particularly in light of the perimeter road's proposed alignment.

The Department has considered such a study but so far it has not merited priority.

MEH/dkp

A:\CAPIC.LET

FOR ACTION

REPORT TO

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 22, 1990
COMM. FILE
DEPT. FILE: P5-4-7-9

FROM

CHARLES FORSYTH, CHAIRPERSON
CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

SUBJECT

Regional Transportation Study and the proposed Perimeter Road.

RECOMMENDATIONS

- o That a comprehensive transportation study be carried out by the Region of Hamilton-Wentworth, taking into account overall planning and transportation objectives; since such a study has not been carried out for a quarter of a century; and since the context has changed, in terms of overall growth, environmental concerns and new roadways; e.g., Highway 403, twinning of Burlington Skyway, and the East-West/North-South Freeway.
- o That as part of the study, consideration be given to accelerating the timing of the East-West/North-South Freeway project.
- o That the study include a detailed examination of the role of the Perimeter Road.
- o That the proposed Perimeter Road should be further considered in light of:
 - public transit options;
 - upgrading of the East/West Expressway to Freeway;
 - traffic management, including truck routes;
 - socio-economic impacts including loss of housing and residential displacement;
 - environmental protection, including waterfront areas;
 - links from the downtown to the north end/waterfront area;
 - traffic restraint in the downtown;

- creating attractive neighbourhoods.
- o That a study be undertaken by the City of Hamilton to improve links between the downtown and the waterfront.

FINANCIAL IMPLICATIONS

N/A.


 Charles Forsyth, Chairman
 Central Area Plan Implementation Committee

COMMENTS

- o CAPIC has reviewed the findings of the Perimeter Road study and is concerned about how the proposed road fits into the wider context of planning and transportation.
- o CAPIC notes that a review of the Region of Hamilton-Wentworth's Official Plan is commencing.
- o CAPIC notes ongoing review of the Perimeter Road and notes that the option beneath York Boulevard reduces impact on the slope below Harvey Park, and also reduces noise impact on the western harbour. Other impacts remain:
 - Cootes Paradise - visual, noise, water pollution, and possible spillage from trucks.
 - Visual and noise impacts of the Perimeter Road bridge over the railway west of Bay Street.
- o CAPIC believes the timing of the Perimeter Road (construction about 2000 AD) gives an opportunity for additional consideration and that material generated would be useful for environmental assessment.

DG:CS/DKP

CAPIC:LET

FOR ACTION

14.

REPORT TO: Susan Reeder, Secretary
Planning and Development
Committee

DATE: Jan. 29, 1990

COMM FILE:

FILE: P6-5

FROM: J.D. Thoms, Commissioner
Planning and Development Department

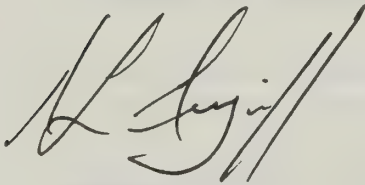
SUBJECT:

Request for a waiver from the requirements of a Feasibility Study and Impact Analysis for City owned lands located west of Nash Road, north of the C.N.R.

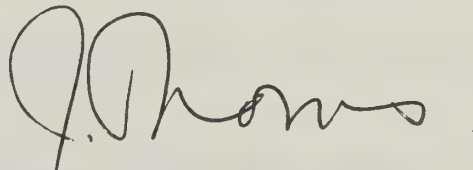
RECOMMENDATION

That Planning and Development Committee recommend to Council that:

- 1) The request for a waiver from the requirements of a Feasibility Study and Impact Analysis for lands located west of Nash Road, north of the C.N.R., be granted;
- 2) The City Clerk be directed to inform the Council of the Regional Municipality of Hamilton-Wentworth regarding 1) above, and request that Regional concurrence be obtained; and,
- 3) Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223, be amended by including the subject lands.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Planning and Development Department has recently received a request for a waiver from the requirements of a Feasibility Study and Impact Analysis (Environmental Impact Statement) from the Regional Freeway Project Office, for City owned lands located west of Nash Road, north of the C.N.R. (see location map, Appendix A and waiver request, Appendix B). The Official Plan requires an Environmental Impact Statement for development proposals within Environmentally Sensitive Areas, or if requested, Council may grant a waiver, with the concurrence of Regional Council.

BACKGROUND

As mentioned above, a request for a waiver from an Environmental Impact Statement has been received from the Freeway Project Office. The subject lands are within the Red Hill Creek - Kings Forrest Environmentally Sensitive Area, as identified by both the Regional and City of Hamilton Official Plans. The Regional Official Plan establishes the procedure with regards to Environmental Impact Statements. All waivers granted by area municipalities must be presented to Regional Council for concurrence.

The subject lands are 0.8 hectare (2.04 acre) in site area and are located on the west side of Nash Road, east of the proposed East-West & North-South transportation corridor and north of the C.N.R.. The property is currently owned by the City.

Due to the installation of a new railroad siding, it was necessary to realign the proposed East-West & North-South transportation corridor. The realignment will require that land be obtained from industrial properties located adjacent to the City owned property, subject of this request. It is proposed that the subject lands be used to compensate the owners of the industrial properties. The adjacent industrial properties include Centennial Auto Parts, to the north and Paling Incorporated, to the south.

ANALYSIS

1) City of Hamilton Official Plan

The subject lands are within the Red Hill Creek - Kings Forest Environmentally Sensitive Area, as identified on Schedule "D" of the Official Plan. As discussed above, this means that a Feasibility Study and Impact Analysis must be undertaken, or a waiver request must be made.

The subject lands are designated both "Industrial" (intended to reflect the existing industrial uses) and "Open Space" (intended to reflect the Red Hill Creek) on Schedule "A" - Land Use Concept. Due to interpretation policies within the Official Plan, industrial use of the subject lands could be deemed to comply with the Land Use Concept. It should also be noted that the lands are within Special Policy Area 11 on Schedule "B", which permits Light Industrial Uses.

The subject lands also fall within Hazard Lands on Schedule "C". However, Hazard Lands generally follow the Open Space system, and would not apply to lands designated Industrial. It is intended that proponents consult with the appropriate Conservation Authority for precise delineation of Hazard Lands.

2) Waiver Request

The 1976 Hamilton-Wentworth Region Environmentally Sensitive Areas Study (E.S.A.) identified the Red Hill Creek - Kings Forest area as Environmentally Sensitive, due to the existence of the creek and valley as a linked ecosystem, encompassing a variety of habitats, such as escarpment lands, water, valley slopes and large wooded areas. It should be noted that the criteria used to establish this E.S.A. largely refers to the continuous Red Hill Creek - Kings Forest system, particularly the steep escarpment and valley slopes and creek. As detailed by the waiver request, it is felt that the subject property contributes little to the linked ecosystem, as a whole. Further, with the construction of the freeway, the subject property will become isolated from the remainder of the E.S.A., and therefore, will no longer fulfill the criteria of the E.S.A..

The waiver request identifies a number of measures which could be undertaken to mitigate the impacts of development on the subject property. These include:

- erecting a snow fence between the construction area and any remaining trees, beyond which no dumping or disruption of vegetation shall occur;
- re-vegetating or landscaping with native species; and,
- after construction is completed, erecting a permanent fence to discourage further intrusion into the wooded area.

Further, in the event that development of the subject lands precedes the construction of the freeway, the following additional mitigative measures are identified:

- maintain a 25 foot setback from the top of bank;
- grading and drainage plans should direct run off to Nash Road; and,
- storm water management techniques be required and implemented where feasible.

Since the subject lands are already zoned for industrial use ("K" Heavy Industry, etc. District), it is suggested that the lands be placed under site plan control. This will ensure that the measures outlined above are implemented.

3) Comments From The Hamilton Region Conservation Authority

Based on the comments received from the Hamilton Region Conservation Authority (see Appendices C and D), the subject lands fall within a floodplain area associated with the Redhill Creek. Such lands are subject to the Fill and Construction Regulations of the Hamilton Region Conservation Authority. As such, the issuance of a permit to erect any structure or to alter existing grades, as well as adequate flood proofing measures, would be required by the Authority. Subject to the appropriate approvals, the Authority has stated that they have no objection to the proposal.

The Conservation Authority did express some concern regarding the proposed Red Hill Creek Recreation Master Plan. It was felt that the subject lands might be identified as a potential site for access to the valley. However, the final plan, submitted in November 1989, proposes that the main trail system follow the west bank of the creek. As such, this concern has been resolved.

CONCLUSIONS

Given that:

- the proposal complies with the intent of the City of Hamilton Official Plan;
- the findings contained in the waiver request, prepared by the Freeway Project Office, establish that the subject lands no longer fulfill the criteria of the Kings Forrest - Red Hill Creek Environmentally Sensitive Area;
- the subject lands will be placed under site plan control to ensure mitigative measures are taken; and,
- the Hamilton Region Conservation Authority has no objections,

then the request for a waiver from the requirements of a Feasibility Study and Impact Analysis can be supported. Accordingly, the Region should be so advised and requested to concur with this waiver request.

C.L.M:NS

A:\POLREPOR

BRAMPTON

NORTH

ROAD

NASH

NASH AUTO PARTS

SUNZCO LTD.

APPROX. LOCATION

CITY OF HAMILTON

CITY OF HAMILTON

HAMILTON MACHINE PARTS

HILL CREEK

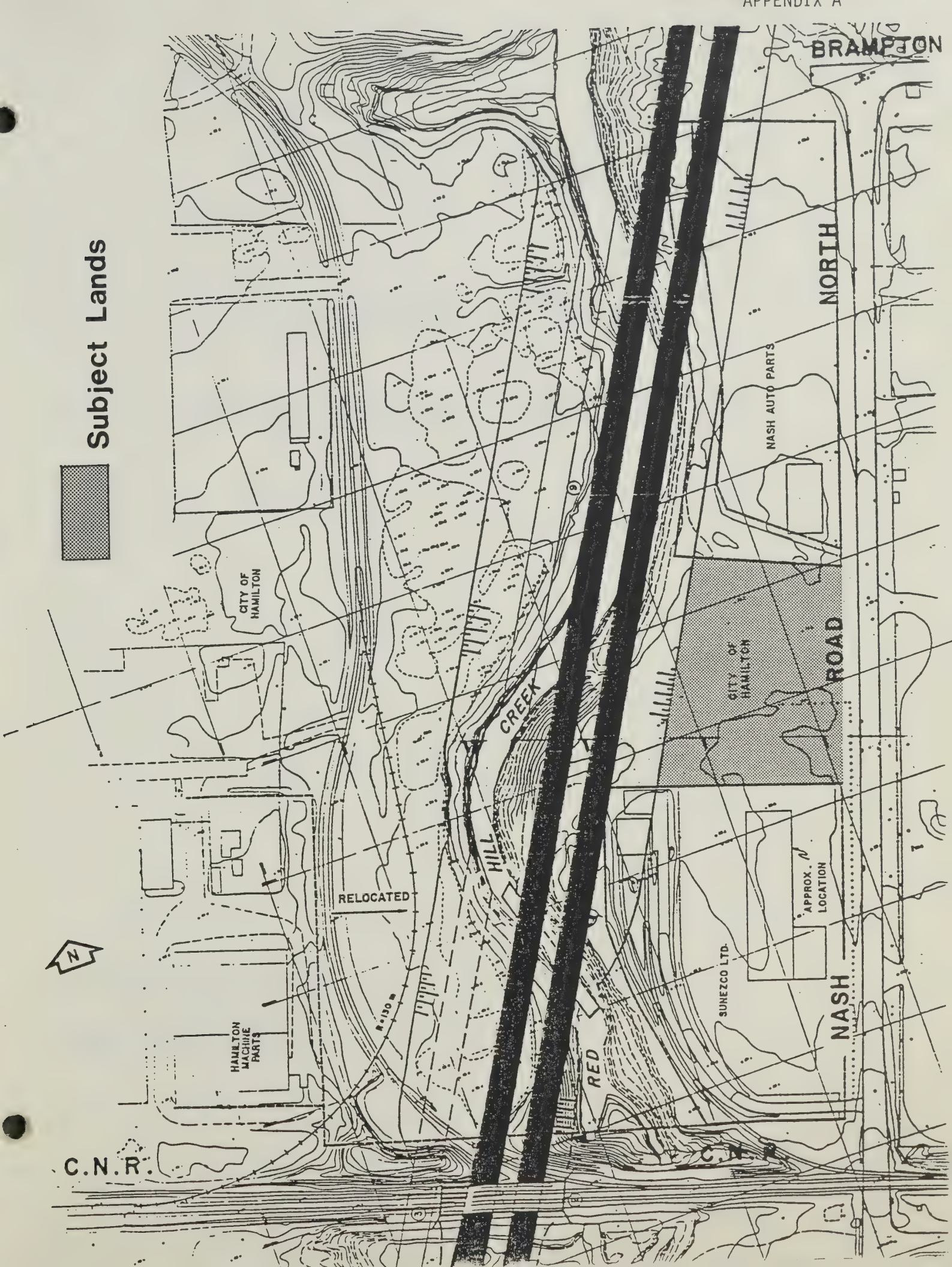
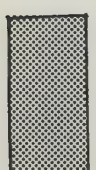
RELOCATED

R-130 m

RED

C.N.R.

Subject Lands



MOUNTAIN EAST-WEST AND NORTH-SOUTH
TRANSPORTATION CORRIDOR PROJECT

REQUEST FOR WAIVER FROM THE REQUIREMENTS OF AN
ENVIRONMENTAL IMPACT STATEMENT

FREEWAY PROJECT OFFICE

DECEMBER, 1989

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

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REQUEST FOR WAIVER FROM REQUIREMENTS OF E.I.S. City of Hamilton lands, Nash Road

1. INTRODUCTION

In March 1987, Provincial Cabinet endorsed the approval rendered by the Joint Board Decision for the construction of the East-West and North-South Transportation Corridor. Since April of 1988, the Region has completed a preliminary design review of the project. During this phase, all aspects of the proposal were reviewed and refined in light of the development which has gone on since the preparation of the functional plan in 1980.

One of the areas which has been effected by change is within Red Hill-King's Forest Environmentally Sensitive Area (E.S.A.) #23, north of the C.N.R. line, as illustrated in Figure 1. Since the development of the roadway proposal, a railway siding was installed running from the C.N.R. tracks west and northwards to the Water Purification and Pollution Control Plant. Although consideration was given to the location of the roadway during the design of this siding, it is evident that the siding will have major cost implications on the construction of the facility. As a result, Project staff investigated several alternative alignments and recommended the present alignment following the east side of the creek, as shown in Figure 2, to the Freeway Steering Committee. This proposal received Regional Council approval November 1, 1988, under Item 3, Report 8-88 of the Freeway Steering Committee.

Communication with various planning departments confirmed that the alteration to the roadway itself was not subject to the E.S.A. policies because of the Provincial approval. However, this alignment will require that property be obtained from industrial properties located on the west side of Nash Road. It has been proposed that these owners be compensated with land from the City of Hamilton lot adjacent to both properties.

This lot is also located within the Red Hill-King's Forest E.S.A. as designated in the Official Plan. As such, a request for waiver from the requirements of an Environmental Impact Statement (E.I.S) has been prepared to address the impacts from the roadway and any potential industrial expansions.

1.1 Purpose

The Freeway Project Office is submitting this report as a request for waiver from the requirements of the Environmental Impact Statement pursuant to Section 5.3.15(d) of the Regional Official Plan.

In submitting this report, the Freeway Project Office is seeking the following:

1. agreement that the subject property no longer fulfills the criteria used to include it in the Redhill - King's Forest E.S.A.;
2. agreement that the potential industrial expansions as a result of the planned roadway development will have no further significant impact on E.S.A. #23, given the existing and planned abutting land uses; and

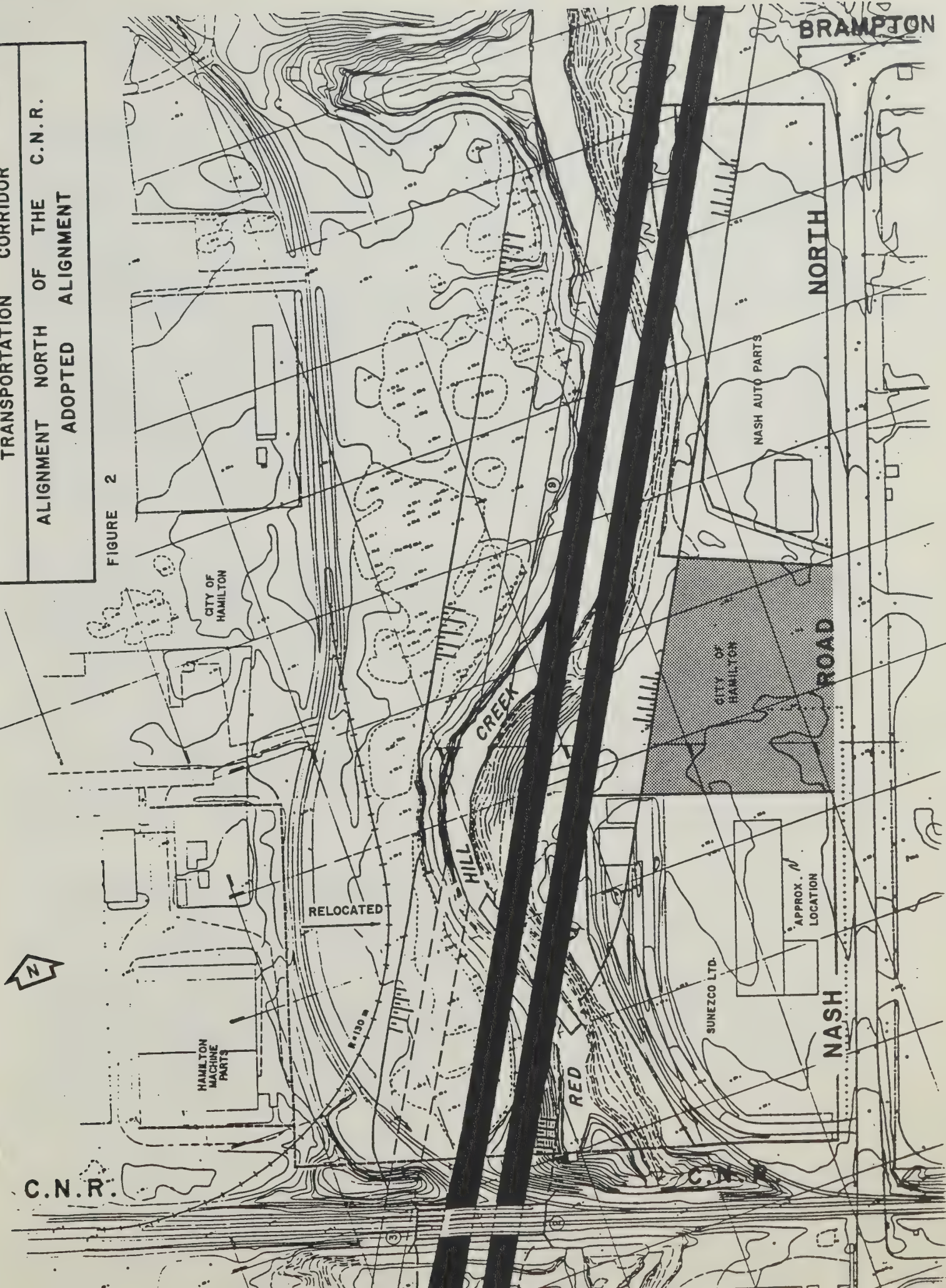
FIGURE 1



MOUNTAIN EAST - WEST & NORTH - SOUTH
TRANSPORTATION CORRIDOR

ALIGNMENT NORTH OF THE C.N.R.
ADOPTED ALIGNMENT

FIGURE 2



3. agreement that this development proposal does not require the preparation of an Environmental Impact Statement (E.I.S).

1.2 Planning Context

The property is designated partially for open space and partially for industrial use within the City of Hamilton's Official Plan. Correspondence from the Local Planning Department in April 1987 and January 1989 confirmed that the proposed industrial expansions would comply with the provisions of the Official Plan.

Additionally, this property is located within the Redhill - King's Forest E.S.A. (#23) as identified in the Regional Official Plan. It is the policy of the Region "to protect to the fullest extent possible the Environmentally Sensitive Areas." However, Section 5.3.8 of the Official Plan provides for the addition or removal of E.S.A.s as a result of changes in land use which are incompatible with the environmentally sensitive designation, among other things. Regional policy also provides for an Area Municipal Council to waive the requirement for an Environmental Impact Statement, with the concurrence of the Regional Council, when it is determined that the Environmental Impact Statement is not warranted.

Finally, a large proportion of the lands are within the Regional Storm floodplain as identified by the Hamilton Region Conservation Authority. Subsequently, this portion of the property is subject to the jurisdiction of Ontario Regulation 617/86, as well as Section A.3.1 of the local Official Plan. The Conservation Authority's planning guidelines would, however, allow development subject to adequate flood proofing works.

1.3 Site Description

The subject 2.04 acre property is located on the west side of Nash Road, north of the C.N.R. line. The following section discusses the existing natural environment and surrounding land uses.

Natural Environment

The creek bank is presently fairly heavily vegetated and stable. This observation is supported by the drainage and erosion control investigations conducted for the Freeway Project Office. This investigation did not identify this area as an area with a high potential for erosion.

The property consists of two physically distinct areas; the southern third of the property consists of old field community species and the remainder of the property is wooded. Correspondence from both the local Planning Department and the Conservation Authority has indicated that the woodlot is the environmental feature of most significance and sensitivity on this property.

Present Land Use

As can be seen on Figure 3, the property is presently bounded to the north and south by industrial uses. The property to the north is owned by Centennial Auto Parts, the property to the south is under the new ownership of Paling Incorporated. The west side of the property is bordered by the Red Hill Creek and the east side by Nash Road.

Proposed Land Use

The major development proposed in this area is the implementation of the North-South roadway. The adopted alignment through this section is illustrated in Figure 2.

Municipal Services

A 78" trunk watermain traverses the southern section of the property. This watermain will be relocated as part of the roadway construction works.

2. PROPOSAL

The alignment shown in Figure 3 represents the adopted alignment of the north-south roadway through this area. As a result of the installation of a new railway siding for the Water Purification and Pollution Control Plant, the new alignment on the east side of the valley was developed. Portions of the existing industrial properties will be required. This alignment received Council approval November 1, 1988.

The original alignment for this section would have required that a section of the creek behind both the Paling property and the City owned property be channelized. The new alignment, however, will require that the length of the creek from the C.N. tracks to Brampton Street be relocated and channelized on the west side of the roadway.

This alignment will require property from both industrial properties. It has been proposed that some of the remaining City owned property be used to compensate these industries. The property would then be used to replace the land required to maintain the existing operations.

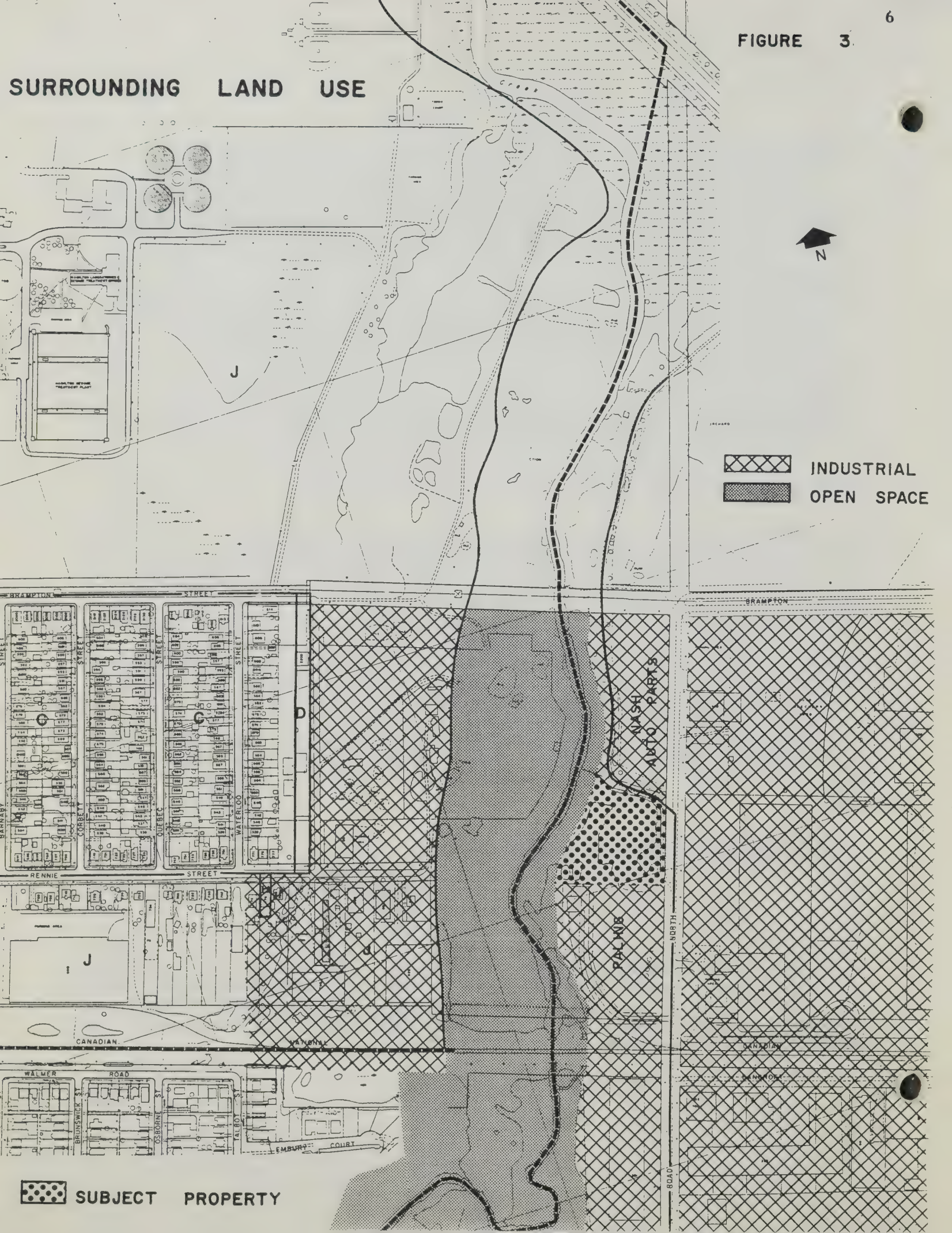
3. ASSESSMENT OF ENVIRONMENTAL IMPACTS

This section outlines and discusses the criteria used to identify this area as an E.S.A. as they relate to this parcel of land. Additional concerns as expressed by various agencies will also be addressed.

The designation of this area as an E.S.A. was made on the basis of a study conducted in 1976 by Ecologistics Limited. This Environmentally Sensitive Areas study identified 44 E.S.A.s based on general criteria regarding the physical and biological environments. The data used was based on a review of existing, secondary identification records, some dating back to 1928. Additional surveys or inventories were not conducted.

FIGURE 3

SURROUNDING LAND USE



INDUSTRIAL
OPEN SPACE

SUBJECT PROPERTY

3.1 E.S.A. Criteria

E.S.A. #23 was identified as an area of environmental significance because of the existence of the creek and valley system as a linked ecosystem encompassing a variety of habitat such as escarpment lands, water, valley slopes and large wooded areas. The criteria used to establish this area are outlined below.

Criterion 1 The area represents a distinctive and unusual landform within the municipality, Ontario or Canada.

Applied to the entire E.S.A. area, this refers to the Niagara Escarpment and large Pleistocene re-entrant as well as lower units being covered by thick deposits of Halton till. According to soil and geological maps, this property does consist of glaciolacustrine silt and clay overlying Halton Till but contributes little to the distinctive nature of the area as a whole.

Criterion 2 The area serves a vital ecological function such as maintaining the hydrologic balance over a widespread area, i.e. it serves as a water storage recharge area.

Specific to this E.S.A., it was identified that the Red Hill Creek-King's Forest system provides an important ecological link between various other systems, such as the escarpment, the valley area, Hamilton Harbour and Lake Ontario. Given the present alignment of the north-south facility, the subject property will be isolated from any other natural areas as it will be bordered by road and industry on all sides. As such, it will no longer fulfill this criteria and the proposed land uses will have only marginally greater impact on the ecological significance of this property. In addition, given the eventual isolation of this property from the creek, the proposal will not effect the creek valley or bed.

Criteria 3 and 6 The plant and/or animal communities of the area are identified as unusual or of high quality locally within the municipality, Ontario or Canada. In addition, the area provides habitat for Regionally, Provincially or Nationally rare or endangered species.

Tables 1 and 2 identify the animal and plant communities identified within the E.S.A. study. Many of these records are outdated and the surrounding level and type of development suggests that these records refer to other areas of the E.S.A. The results of the vegetation survey conducted in June 1989 confirms this, and are included in Table 3.

The vegetation survey, conducted by Jim Dougan Associates, describes the area between Brampton Street and the CNR tracks as a "highly-disturbed ravine system in which vegetation, dominated by Manitoba maple, elm and ash, is confined primarily to steep valley walls". Specifically, this stand was found to have an overstory cover of Elm, Ash, White Oak, Bur Oak and Soft Maple. The understory growth is dominated by Gray Dogwood and Hawthorn. The ground cover consists of sedges, Wild Geranium, Garlic

Mustard and Mayapple. The edge sensitivity is classified as low. The construction of the North-South Parkway through this section will require the removal of vegetation along the existing creek bank and relocation of the creek to the west. The proposed industrial expansions will require the removal of a large portion of the remaining trees.

In addition, all of the animal species have been identified as common breeding species within Forest Management units by the Wildlife Branch of the Ministry of Natural Resources as of July, 1987. These species no longer have Provincially rare status and even doubtful Regionally rare status. None of the plant species have been identified as being of Provincial significance, however, a Regional list was not available.

Criterion 5 The area has an unusually high diversity of biological communities and associated plants and animals due to a variety of geomorphological features, soils, water, sunlight and associated vegetation.

Again, this criteria refers to the entire system and, in particular, the steep escarpment and valley slopes and creek. As it exists presently, this parcel of land does not offer a variety of habitats and is not of sufficient size to contribute significantly to the diversity of the E.S.A. area as a whole. With the construction of the roadway, this property will no longer fulfill this criteria as it will be isolated from the remainder of the E.S.A..

Criterion 9 The combination of landforms and habitats is identified as having high aesthetic value in the context of the surrounding landscape and any alteration would significantly lower its amenity value.

In this E.S.A., the aesthetic value of the view from Mount Albion, the escarpment and the rural-natural area are identified as providing pleasant views for the residents as they travel around the area. This parcel may provide a buffer or small green space area for this largely industrial area. However, the subject property does not provide or contribute to the aesthetic value of the remaining E.S.A. area.

3.2 Additional Concerns

The Hamilton Region Conservation Authority has advised that this property is presently subject to spill flooding in Regional Storm events because of the limited conveyance capacity of the existing culvert under the C.N. railway embankment. It is estimated that flood depths for this property would be in the order of 6 inches. However, the Authority's planning guidelines would allow development subject to adequate flood proofing.

It should also be noted that preliminary drainage studies have revealed that future flood levels will be reduced upon completion of the drainage works for the roadway to approximate the western edge of the roadway. While this assessment has not yet been approved by the Conservation Authority, it can be safely assumed that the flood susceptible area of this property will be reduced.

An additional concern cited by the Conservation Authority relates to the development of the Red Hill Creek Recreation Master Plan and the potential of this site to provide access to the proposed valley trail system. The Final Plan submitted by the consultants in November 1989, proposes that the trail follow the west bank of the creek through the area north of Barton Street, thus resolving this concern.

Other concerns have been identified by various municipal departments;

- that this is the only property on Nash Road which provides access to the creek valley. Given the alignment of the roadway, however, this property will no longer provide access to the creek valley by 1996; and
- that the northern portion of the property is wooded. The construction of the roadway will require the removal of a portion of these trees and the expansion of industrial uses in this area would require the removal of a large portion of the remaining area. It has been discovered, however, that this woodlot is of low sensitivity and its removal will not effect the remainder of the E.S.A. area.

4. MITIGATIVE MEASURES

Construction of the roadway will require that a small portion of the woodlot be cleared. It is evident that a large portion of the wooded area will need to be cleared for any expansion of the neighbouring industrial uses. The combination of these developments will significantly impact the woodlot, however, it has been documented that this woodlot is of low sensitivity. Measures to mitigate the impacts would include;

- erecting a snow fence between the construction area and any remaining trees, beyond which no dumping or disruption of vegetation or shall occur;
- re-vegetating or landscaping with native species; and
- after construction is completed, erecting a permanent fence to discourage further intrusion into the wooded area.

Should any expansion of industrial uses occur prior to the construction of the roadway, provisions for erosion and siltation control should be made as follows;

- maintain a 25 foot setback from the top of bank;
- grading and drainage plans should direct run off to Nash Road;
- storm water management techniques be implemented required and where feasible.

5. SUMMARY

As part of the larger King's Forest - Red Hill Creek E.S.A. this property has been performing a contributing function to the area as a whole, particularly in this heavily industrialized section of the city. However, as an individual property, it's merits are significantly diminished and given the planned severance from the creek by the parkway, the merits of this property are reduced considerably further.

Project Office staff do not feel the environmental features of this property merit inclusion in an E.S.A. and further, do not feel that a full Environmental Impact Statement is warranted for the following reasons;

1. this property no longer fulfills the criteria identified in the E.S.A. study;
2. the existing and planned development in the immediate area compromise the property and leave it isolated from any other natural area; and
3. little ecological damage will result from the encroachment of the roadway and the logical expansion of adjacent industrial development discussed in this report.

REFERENCES

1. The Regional Municipality of Hamilton-Wentworth, Official Plan, December, 1987.
2. The City of Hamilton, Official Plan, September, 1986.
3. Ecologistics Limited, Hamilton-Wentworth Region Environmentally Sensitive Areas Study, July, 1976.
4. Ministry of Natural Resources, Wildlife Branch, Crown Land and Timber Management and Rare, Threatened or Endangered Species in Ontario, December, 1987.
5. Philips Planning and Engineering Limited, Mountain East-West and North-South Transportation Corridor Drainage Study: Phase IV and Phase III-C, March, 1989.
6. Philips Planning and Engineering Limited, Mountain East-West and North-South Transportation Corridor Drainage Study: Final Report, June, 1989.
7. Jim Dougan Associates, Tree Preservation Plan (Draft) for Mountain East-West and North-South Transportation Corridor, The Regional Municipality of Hamilton-Wentworth, July, 1989.

TABLE 1

ANIMAL COMMUNITIES IDENTIFIED WITHIN THE E.S.A STUDY

- a. Prairie Deer Mouse (Peromyscus Maniculatus bairdii)
- b. Red-backed Salamander (Plethodon cincereus)
- c. Pickeral Frog (Rana palustris)
- d. Northern Water Snake (Natrix sipedon sipedon)
- e. Northern Ribbon Snake (Thamnophis sauritus septentrionalis)
- f. Smokey Shrew (Sorex fumeus)
- g. Short-eared Owl (Asio flammeus)
- h. Long-eared Owl (Asio otus)

TABLE 2

PLANT SPECIES AS IDENTIFIED WITHIN THE E.S.A. STUDY

1. Ground Cedar (Lycopodium complanatum)
2. Hairy Bush-Clover (Lespedeza hirta)
3. Shinleaf (Pyrola elliptica)
4. Night-flowering Catchfly (Silene noctiflora)
5. Anise-root (Osmorhiza longistylis)
6. Common Stitchwort (Stellaria graminea)
7. Pointed-leaved Tick-Trefoil (Desmondium glutinosum)
8. Vetch (Vicia tetrasperma)
9. Spring Vetch (Vicia sativa)
10. Pokeweed (Phytolacca americana)
11. Great Lobelia (Lobelia siphilitica)
12. Michigan Lily (Lilium americana)
13. Green Violet (Hybanus concolor)

Table 3
VEGETATION ANALYSIS*

1. Overstory Class Species	50% cover Elm (co-abundant) Ash (co-abundant) White Oak Bur Oak Soft Maple
2. Understory Class Species	50% cover Gray Dogwood (dominant) Hawthorn
3. Groundcover Class Species	25-50% cover Sedges Wild Geranium Garl. Mustard Mayapple
4. Diameter(cm),(reg)can(os) Height(m) Height(m) to canopy Edge Sensitivity	(5-10)25(60) (1-3)18(25) 4 Low
5. Comments	Decadent Oaks; Wet woods; good dogwood growth

*(J.Dougan, July, 1989)



April 8, 1987

P.O. BOX 7099 - MINERAL SPRINGS ROAD
- ANCASTER, ONTARIO L9G 3L3
Phone 525-2181 or 648-4427

APPENDIX C

Gen. Correspondence
File No. _____

REAL ESTATE DEPARTMENT

Date *Apr 10/87*

Mrs. A. Cipriani,
Senior Property Office,
Real Estate Department,
City of Hamilton,
71 Main St. W.,
Hamilton, Ont.
L8N 3T4

File No. <i>100-50-17</i>	INT.	INFO
DIRECTOR		
ASSIST. DIR.		
CHIEF APPRAISER		
PROP. CONC. OFFICER		
RENTAL AGENT		
PROPERTY OFFICER		

A. Cipriani

Dear Mrs. Cipriani:

Re: Lands Nash Road North
north of C.N. Right-of Way - Your File 100.50.17

Further to your letter dated April 2, 1987, please be advised as follows:

1. The subject lands are located immediately east of the Redhill Creek ravine (3.46 acre parcel and 2.04 acre parcel). A 1975 floodline mapping study prepared by M.M. Dillon Ltd. indicates that this site is subject to spill flooding associated with Redhill Creek under Regional Storm conditions. Flooding at this location is a result of the limited conveyance capacity of the existing culvert under the adjacent C.N. railway embankment.

All floodplain lands associated with Redhill Creek are subject to the jurisdiction of Ontario Regulation 617/86, the fill and construction regulations of the Hamilton Region Conservation Authority. Any proposal to erect a structure or alter existing grades within the floodplain will require a permit issued by the Conservation Authority, pursuant to said regulation.

2. Based on information shown on the floodline mapping and contained in our files, it appears that both parcels are subject to spill flooding with flood depths in the order of 0.5'. The Authority's planning guidelines recommend favourable consideration be given to new developments in spill area floodplains, subject to flood proofing. In this case, the finished floor elevation of all new buildings must be raised on fill to the flood level plus 1.0' of freeboard (i.e. 1.5' above existing grade).

Mrs. Cipriani -2- April 8/87

3. It appears that the 2.04 acre parcel is located within environmentally sensitive area No. 23 (Redhill Creek - Kings Forest) as designated under Section 5.3 of the Regional Official Plan. In this connection, we recommend that comments concerning the proposed Public Works yard use of this parcel be obtained from the Regional Planning and Development Department.

Should you have any questions, please contact K. Dakin, Authority staff.

Yours truly,



R.W. Chrystian,
Director of Planning & Engineering

JKD/sg

Enc. (2)

cc: Mr. V. Abraham, Attn: Ms. V. Grupe
Mr. W. Pearce



Hamilton Region Conservation Authority

Gen. Corres. Ham.

February 16, 1989

Mr. M.C.J. Watson
Manager
Real Estate Division
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

RE: City Owned Lands West Side Nash Road North
Between Sunezco and Centennial Auto Parts
Your File 100.15.17

Further to your correspondence dated February 7, 1989, we note that the subject lands were dealt with previously under a similar request from your department. By correspondence dated April 8, 1987, we provided technical comments concerning same. Please note that these comments still apply.

The lands proposed to be conveyed to Sunezco and Centennial Auto Parts comprise part of Environmentally Sensitive Area #23 (Red Hill Creek/King's Forest). Any change in the legal use or intensity of use on these lands may require compliance with Policy 5.3.15 of the Regional Official Plan. We suggest you consult with the Regional Planning & Development Department on this point.

Presently, the City of Hamilton is preparing an Open Space Recreation Master Plan for the Red Hill Valley. Among other things, the study will identify potential access points to the valley. To determine whether the subject lands are included, we suggest that you consult with Mr. R. Nutley, Manager, Parks Division, Department of Public Works.

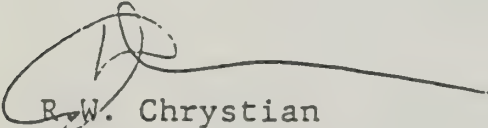
Mr. M.C.J. Watson - 2 - February 16, 1989

All of the lands to be conveyed to Sunezco, and the north portion of the lands to be conveyed to Centennial Auto Parts, are located within a spill area floodplain associated with Red Hill Creek. These areas are subject to the jurisdiction of Ontario Regulation 617/86, the Fill and Construction Regulations of the Hamilton Region Conservation Authority. We have no objection to the proposed conveyances as long as it is understood that approval will be required from the Conservation Authority to develop these lands.

~~Notwithstanding the above, consideration should be given to the retention of the subject lands under City ownership in order to protect the wooded area and other environmentally sensitive features on the property.~~

Should you have any questions, please contact K. Dakin, Authority staff.

Yours truly,


R.W. Chrystian
Director of Planning & Engineering

JKD:nb

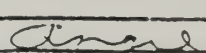
cc: Mr. V.J. Abraham, Director of Local Planning
Regional Municipality of Hamilton-Wentworth

Mr. W. Pearce, Manager, Planning & Development Department
Regional Municipality of Hamilton-Wentworth

Mr. R. Nutley, Manager, Parks Division, Department of Public Works

Property Department
Real Estate Division

Date Feb 20/89

File No./00.15.17	Inf.	Act
Director		
✓ Manager		
Chief Appraiser		
Architect Div.		
Prop. Maint. Div.		
		
Secretary		✓

FOR ACTION

15.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 January 31

COMM FILE:

DEPT FILE:

SUBJECT: 114 MAIN STREET WEST - PROPOSED DEMOLITION

RECOMMENDATION:

That the proposed demolition of the Dodsworth & Brown Funeral Home at 114 Main Street West not be opposed.

Coutts

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Building Department recently received an application to demolish this property.

Architect Maurice Graffe contacted LACAC staff prior to Christmas requesting an architectural evaluation of this building at the north-west corner of Main and Bay, a "listed" Victorian brick house which was converted to a funeral home in 1924-5 (A.H. Dodsworth & Co., undertakers). The original house, designed in the Second Empire style and erected in the late 1870's, was enlarged before 1914 with a rear and side wing addition and in the 1950's by a chapel built on the west side and a garage built behind the side wing on Bay Street. Dodsworth & Brown plan to close this funeral home and build a new facility on the site of their Robinson Chapel at 15 West Avenue North (to be designed by Torsney, Graffe, Architects, Inc.) A prospective buyer for the Main Street property has made an offer conditional upon first obtaining a demolition permit. The Building Department has requested LACAC's comments on the recently submitted application for a demolition permit.

The director of the funeral home conducted a tour of the funeral home for the 5 Committee members, accompanied by Mr. Graffe, explaining how the building had been renovated and enlarged to accommodate the needs of the funeral home and the problems with the present location (parking, traffic noise, declining business, etc.)

Noteworthy interior features of the original house include the main staircase (slightly altered), the wooden mouldings of the doorways and baseboards. Some of the rooms had interesting fireplaces though not necessarily original. The first floor of the pre-1914 side wing features an attractive fireplace flanked by a pair of small leaded glass windows and wooden cabinets with glass doors. Outside, it was noted that the early additions were competently designed and sensitive to architectural character of the 1870's house. It was observed, for example, that the decorative carved stone lintels over the side wing windows were identical to those of the original house. The 1950's additions and alterations, on the other hand, did not respect the integrity of the original house; the main entrance doorway was replaced by a modern one; all of the windows were replaced and the centre upper storey window bricked in. At some point since 1914, the brick masonry was stuccoed and the verandah of the original house replaced by the present entrance porch. The only significant architectural features to have survived intact are the mansard roof with its bracketed cornice and the stone window sills and lintels.

The Committee agreed it was unfortunate that the building could no longer be viably operated as a funeral home and that, given the value of the land alone, it was probably not economically feasible for any buyer to adaptively re-use the building. It was further agreed that the building in its present form was not worthy of designation. Due to extensive alterations and additions, the original Second Empire style residence is today barely recognizable and consequently no longer represents a good example of its type in the City of Hamilton - many better examples have survived. Concern was, however, expressed that the land might be left vacant and turned into the parking lot once the building was demolished.

cc Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department

16.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 January 31

COMM FILE:
DEPT FILE:

SUBJECT: ST. MARK'S ANGLICAN CHURCH, 130 BAY STREET SOUTH - FEASIBILITY STUDY

RECOMMENDATION:

That as part of the City's investigation into the possible restoration and re-use of St. Mark's Anglican Church located at 130 Bay Street South, the use of a Feasibility Study (see attached procedure) be recommended.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

C. Coutts

A Feasibility Study of this nature would cost approximately \$15,000 and part of this cost could be recovered by heritage funding contributions.

BACKGROUND:

The City's Co-ordinating Committee has given preliminary consideration to the recommendation of the Parks and Recreation Committee that the "5% Parks Dedication Fund" be used for the acquisition of the St. Mark's Anglican Church site. Possible uses for the existing church and its grounds include a children's museum, cultural centre or recreational facility. A recommendation from the Department of Culture and Recreation for the City to purchase the property is on the Parks and Recreation Committee's agenda for 1990 January 23.

The zoning application to permit the proposed mixed office/residential development on the St. Mark's site was denied by the Planning and Development Committee at its meeting held 1989 November 29.

St. Mark's Anglican Church is still owned by the Anglican Diocese of Niagara, but a recent zoning application has been denied because of excess density. The City is considering purchasing the property under the Parks Acquisition Fund and is presently investigating a possible use of the building.

Recommended Procedure

Since the preservation and conversion of an historic church building is a complex matter requiring the expertise of professionals experienced in the field of architectural conservation, the following procedure is being suggested as a systematic approach to investigating the potential use and costs of re-cycling the building:

1. Firstly, to provide a program for the proposed Cultural Centre, i.e., identify in detail the spatial and functional needs of the proposed centre;
2. Secondly, to approve a Feasibility Study with funding in the vicinity of \$15,000:
 - a) To undertake an examination of the current condition of the building and to provide estimates for its repair and restoration;
 - b) To investigate the requirements and costs of converting the building to a new use, in accordance with appropriate conservation methods, and to prepare preliminary sketch plans;
3. Thirdly, because of the specialized nature of the work, to undertake the following consultant selection:
 - a) Call for submission of qualifications and experience with particular emphasis on the restoration and conversion of historical buildings;
 - b) Send the Request for Proposal to a short list of qualified consultants to prepare proposals;
 - c) Compare submissions (fee proposal should be submitted in a separate envelope as is done in some cases with federal government projects, e.g. Armouries renovation).

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department
Mr. R. Sugden, Director of Culture and Recreation

17.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 January 31

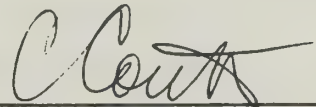
COMM FILE:

DEPT FILE:

SUBJECT: CUSTOM HOUSE - NATIONAL HISTORIC SITES
AND MONUMENTS BOARD PLAQUE

RECOMMENDATION:

That City Council approve the resolution (attached hereto as Exhibit A) to support a request from the owner, Don Warrener, for a National Historic Sites and Monuments Board plaque.



C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

LACAC, at its last meeting held in 1989 November, passed a recommendation to support Don Warrener's request for such a plaque.

EXHIBIT A

HAMILTON CUSTOM HOUSE

51 STUART STREET, HAMILTON

RESOLUTION IN SUPPORT OF THE APPLICATION FOR AN
HISTORIC SITES AND MONUMENTS BOARD OF CANADA PLAQUE

Whereas the Hamilton Custom House is of local significance as the only remaining pre-Confederation governmental building still intact in the City;

Whereas the Hamilton Custom House is of provincial significance as one of the oldest "federal" buildings still standing in Ontario;

Whereas the Hamilton Custom House is of national significance as one of only five Customs Houses built by the Province of Canada, the Union of Upper and Lower Canada, between 1843 and 1867;

Whereas the Hamilton Custom House is of exceptional architectural significance as an outstanding example of the Italianate (Renaissance) Revival Style, credited to Public Works architect F.P. Rubidge and F. Rastrick, a Hamilton architect;

Whereas the Hamilton Custom House is a particularly distinguished work of local stone construction, a building material used in Hamilton primarily during the 1840's - 50's;

Whereas the Hamilton Custom House has in recent years undergone an extensive restoration of high quality to both its exterior and interior, with assistance from the Ontario Heritage Foundation and the City of Hamilton;

Now, therefore, we, the City of Hamilton, strongly support the application of the Hamilton Custom House for an Historic Sites and Monuments Board of Canada plaque.

FOR ACTION

18.

REPORT TO: Mrs. S. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 January 31

COMM FILE:

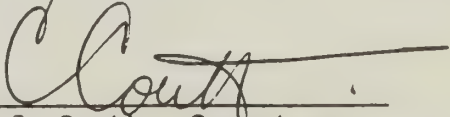
DEPT FILE:

SUBJECT: PIGOTT LOBBY WINDOWS - PREPARATION OF SALE AGREEMENT

RECOMMENDATION:

That the City Solicitor's Department be requested to prepare an agreement of sale between the City and Reemark, the owners of the Pigott-Sun Life buildings, for the Pigott Lobby stained glass windows, contingent on the following conditions:

- a) That the heritage easement between the Ontario Heritage Foundation and Reemark, the property owners, be in place;
- b) That the sale price of the stained glass windows is equivalent to their replacement value;
- c) That the windows will be adequately protected against theft or vandalism, when in place, in accordance with accepted conservation standards;
- d) That the windows will be insured for their replacement value by the property owners' insurance policy, by means of a special rider;
- e) That, if the windows are to be removed at any time in the future, the City of Hamilton retains the right of first refusal;
- f) That the agreement of sale be registered on title; and
- g) That the Heritage Hamilton Foundation be re-imbursed for their contribution (\$3,240) for the purchase of these windows, and that the remaining monies from the sale be returned to the City (Reserve Fund for the Acquisition of Historic Properties).


C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In 1988, the City with the assistance of the Heritage Hamilton Foundation purchased the six original stained glass windows for the the purpose of re-installing them in their original location in the Pigott Lobby, once the renovation of this designated heritage building was completed.

A special LACAC Ad Hoc Committee met with Mr. Derech, Vice-President of Reemark, on 1990 January 29, to discuss the return of these six stained-glass windows to the owners of the Pigott Building. The issue discussed was whether this transaction should be by means of a sale or lease agreement. Present were Mr. Bob Derech, Vice-President of Reemark, Mr. Reg Wheeler (LACAC Vice-Chairman), Alderman McCulloch, Alderman Smith, Mr. Rob Brough and Mrs. Nina Chapple.

The property owner preferred that the transaction be done by a sale; LACAC Committee members identified a number of provisions that were important for the permanent safety of the windows. The above recommendation for the sale of the windows incorporates those protective measures which were discussed by the Committee.

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department
Mr. P. Hooker, Acting City Solicitor

FOR ACTION

19.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 January 30

COMM FILE:

DEPT FILE:

SUBJECT: DURAND SOUTH (MARKLAND STREET AREA) -
HERITAGE CONSERVATION DISTRICT STUDY

RECOMMENDATION:

- a) That the Planning Department be requested to consider including the Durand South (Markland St. area) Heritage District Study in the 1990 Work Program;
- b) That upon endorsement of the proposed District Study in the 1990 Work Program that:
 - i) Staff be directed to make a grant application to the Ministry of Culture and Communications for Heritage District Study funding; and
 - ii) Subject to the grant funding from the Ministry of Culture and Communications, the Study proceed and that the solicitor's Department be directed to prepare a By-law defining the Markland St. area as an area to be examined for future designation as a heritage conservation district.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Application would be submitted to the Ministry of Culture and Communications for 50% funding for a Heritage Conservation District Study; the City would provide the matching 50%. Heritage Studies are in the neighbourhood of \$20,000 - \$24,000; the City, therefore, would be requested to provide \$10,000 - \$12,000.

BACKGROUND:

Attached is a petition submitted 1990 January 12, with 26 signatures requesting the City to investigate the possibility of establishing a heritage conservation district on Markland Street (James to Bay), Chilton Place and MacNab Street South (Herkimer to Markland).

The 26 signees represent the vast majority of property owners in the proposed district which currently totals 34 (see attached map).

- 6 more property owners on Markland Street and MacNab Street South have not yet had the opportunity to sign due to their absence;
- 1 person on Markland Street refused to sign the petition and 2 others are expected to oppose;
- 1 property has recently been put under control of executors (77 Markland Street).

In a report entitled "Heritage District Priorities" dated 1983 January, both the Planning and Development Department and LACAC recommended that a Heritage District Study be initiated for the Durand South, including the Markland Street area. At that time, it was decided by Council that the James North area would take priority for a Heritage Conservation District Study.

The Work Program allows for the study of one district per year; the 1990 Work Program already has staff time scheduled for the completion of the MacNab-Charles Heritage District and the preparation of the St. Clair Blvd. Heritage District. As a result, a consultant will be required to undertake the study as in the case of the James North Heritage Study.

Attached

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department

JAN 24 1980

PLANNING DEPARTMENT OF
HAMILTON, ONTARIO

The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME: E.A. SHAKER
ADDRESS: 45 MARKLAND ST. HAMILTON L8P 2J5
SIGNATURE: E.A. Shaker.

NAME: Frances M. Richardson
ADDRESS: 50 Markland St. Hamilton L8P 2J7
SIGNATURE: Frances M. Richardson

NAME: Mary Pain
ADDRESS: 52 Markland St
Hamilton, ON L8P 2J7
SIGNATURE: Mary Pain

NAME: C.S. GLASSCO
ADDRESS: 58 MARKLAND ST
SIGNATURE: Alice Mary Glasco

NAME: Spencer A. Allen
ADDRESS: 53 Markland St
SIGNATURE:

NAME: NORA ROBINSON
ADDRESS: 51 MARKLAND ST. L8P-2J5
SIGNATURE: Nora Robinson.

NAME: MAE KENZIE ROBINSON
ADDRESS: 51 MARKLAND ST.
SIGNATURE: Mae Kenzie Robinson

The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME: N. I. Spratt
ADDRESS: 92 Markland

SIGNATURE: *N. I. Spratt*

NAME: MR. MRS. R.D. MACKENZIE
ADDRESS: 79 MARKLAND ST. HAMILTON

SIGNATURE: *S. Mackenzie*

NAME: GEORGE ROBINSON
ADDRESS: 18 CHILTON PL.

SIGNATURE: *George Robinson*

NAME: DEREK WHITE
ADDRESS: 24 CHILTON PLACE.

SIGNATURE: *D. White*

NAME: *Harvey Sabel*
ADDRESS: *27 Chilton Place*

SIGNATURE: *Harvey Sabel*

NAME: *Nancy + Barry Mann*
ADDRESS: *17 Chilton Place.*

SIGNATURE: *Barry Mann*

NAME: *Keel Forsythe*
ADDRESS: *33 Markland*

SIGNATURE: *Keel Forsythe*

The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME: Dr. Mrs R A. Hadden

ADDRESS: 29 MARKLAND St.

SIGNATURE: *R A Hadden*

NAME: Ardylh & Boris Broth

ADDRESS: 301 Bay St. S

SIGNATURE: *Ardylh W. Broth*

NAME: Alan & Helen Bell

ADDRESS: 90 Markland St.

SIGNATURE: Helen D. Bell

NAME:

ADDRESS: *Dr. & Cecile Bellin*

SIGNATURE: *261 McNab St S*

Dr. Bellin

NAME:

ADDRESS: *Margaret Marks*

243 McNab St South

SIGNATURE:

NAME:

ADDRESS: *Dr. E. L. Fallon*
265 McNab St. S Hamilton

SIGNATURE:

E L Fallon

NAME: DAVID + ANNE BLANCHARD

ADDRESS: 271 McNab St.S.

SIGNATURE:

David Blanchard

The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME: Jean Renison (Mrs. R.J. Renison)
ADDRESS: 21 Chilton Place
SIGNATURE:

NAME: Grace Inglis
ADDRESS: 25 Chilton Place
SIGNATURE: G. Grace Inglis

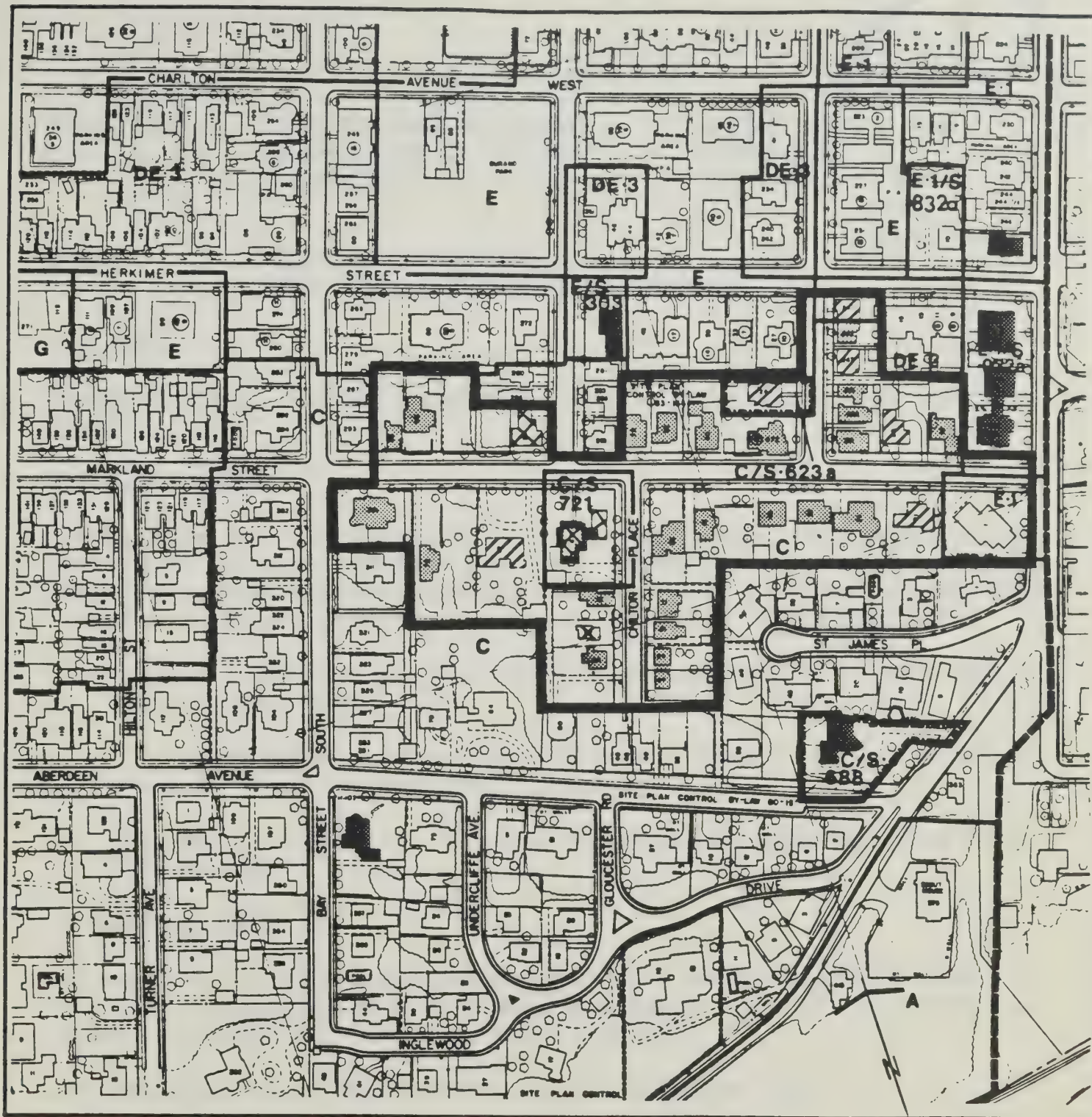
NAME: SAM H CINO
ADDRESS: 272 MACNAB SOUTH
SIGNATURE: S M Cino

NAME: Arthur M. Lewis
ADDRESS: 247 MacNab St. S.
SIGNATURE:





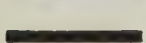
NAME: Leo Barnett
ADDRESS: 10 Markland St
SIGNATURE:

NAME:
ADDRESS:
SIGNATURE:

NAME:
ADDRESS:
SIGNATURE:



Legend :

-  In favor of a Heritage District
-  Opinion unknown as of Jan. 1990
-  Assumed to be opposed
-  Already designated
-  Boundary of petition

**Petition Requesting Heritage Conservation District
MARKLAND STREET AREA**

FOR ACTION

20.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 30, 1990
COMM FILE:
DEPT FILE: ZA-89-107
Jerome
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - property located at the rear of Nos. 1265 and 1269 Upper James Street.

RECOMMENDATION

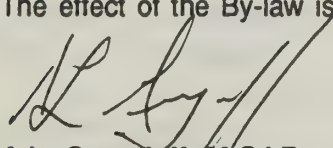
That approval be given to Zoning Application 89-107, Effort Trust Company, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit single-family residential development on property located at the rear of Nos. 1265 and 1269 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of Nos. 1265 and 1269 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit single-family residential development.


A.L. Georgieff, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● By-law 89-337

The adjoining lands to the south (Draft Plan of Subdivision - EFFORT GARDENS) were recently rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District by By-law 89-337 passed by City Council on November 28, 1989. The subject proposal involves the extension of this subdivision plan, (File SA-89-25 - 25T-89036 - Effort Gardens Extension).

APPLICANT

Effort Trust Company, owner.

LOT SIZE AND AREA

Lands at the rear of Nos. 1265 and 1269 Upper James Street having:

- 30.20 m (100.0 ft.) of lot width;
- 300.83 m (986.97 ft.) of lot depth; and,
- 0.90 ha (2.22 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	vacant	"C" (Urban Protected Residential, etc.) District
to the east	vacant	"AA" (Agricultural) District

to the west

cabinet makers business and
a single-family dwelling

"AA" (Agricultural) District,
"HH" (Restricted
Community Shopping and
Commercial, etc.) District
and "C" (Urban Protected
Residential, etc.) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept Plan of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "SINGLE and DOUBLE" residential on the approved Jerome Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department, and Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has not submitted any comments to date.

COMMENTS

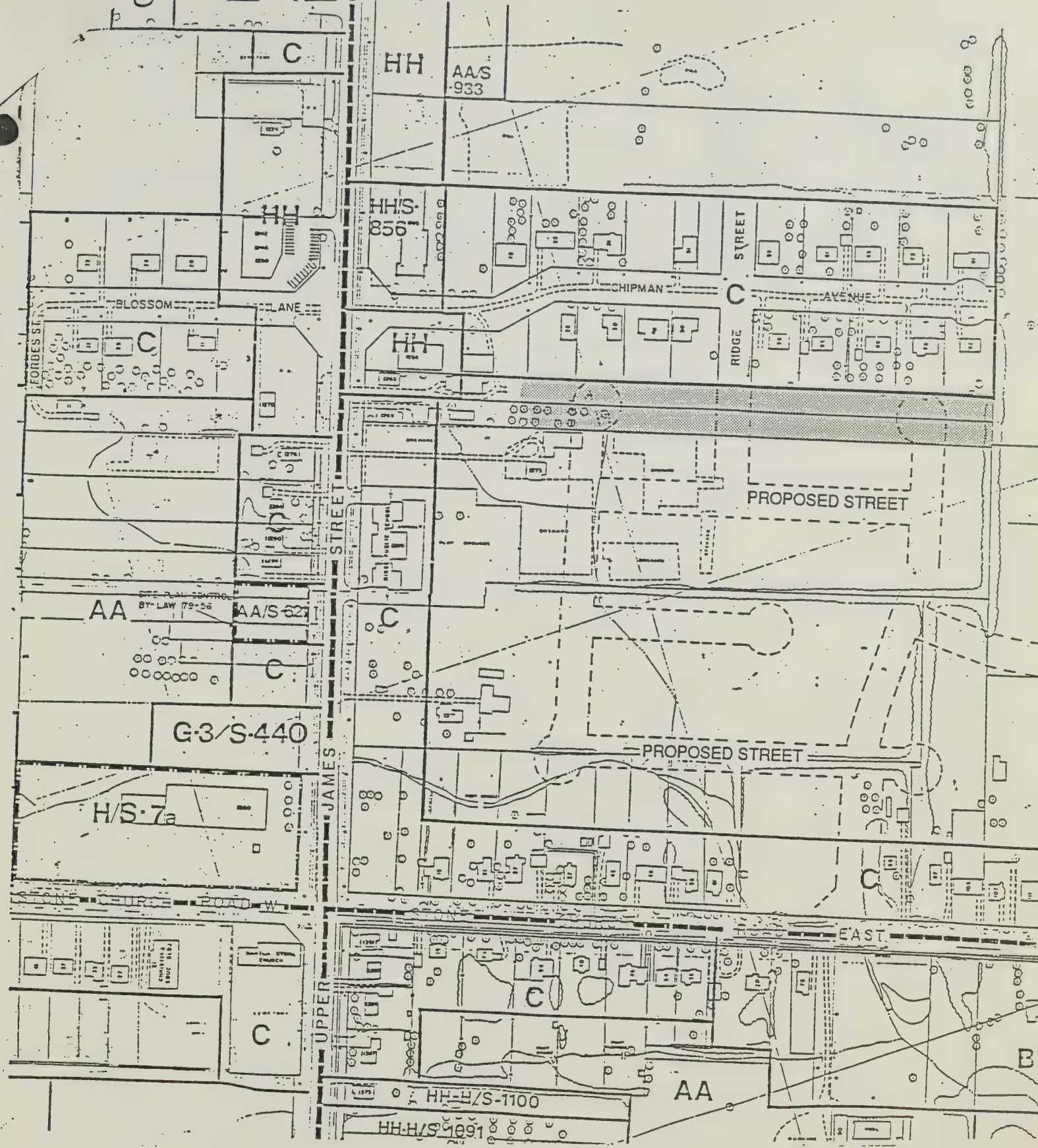
1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the approved Jerome Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of both the Official Plan and the approved Jerome Neighbourhood Plan;
 - ii) it would be compatible with existing and future development contemplated in this area;
 - iii) the requested change in zoning would be appropriate for the proposed single-family development.

4. The applicant has filed a Draft Plan of Subdivision - Effort Garden Extension (SA-89-25 - 25T-89036) which involves 12 single-family dwelling lots and road extensions (see APPENDIX "B" attached). The Draft Plan of Subdivision will be considered at a Planning and Development Committee Meeting in the near future.

CONCLUSION

On the basis of the foregoing, the application can be supported.

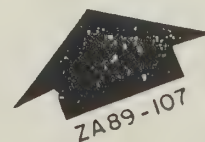
GAW/ma
WPZA89107



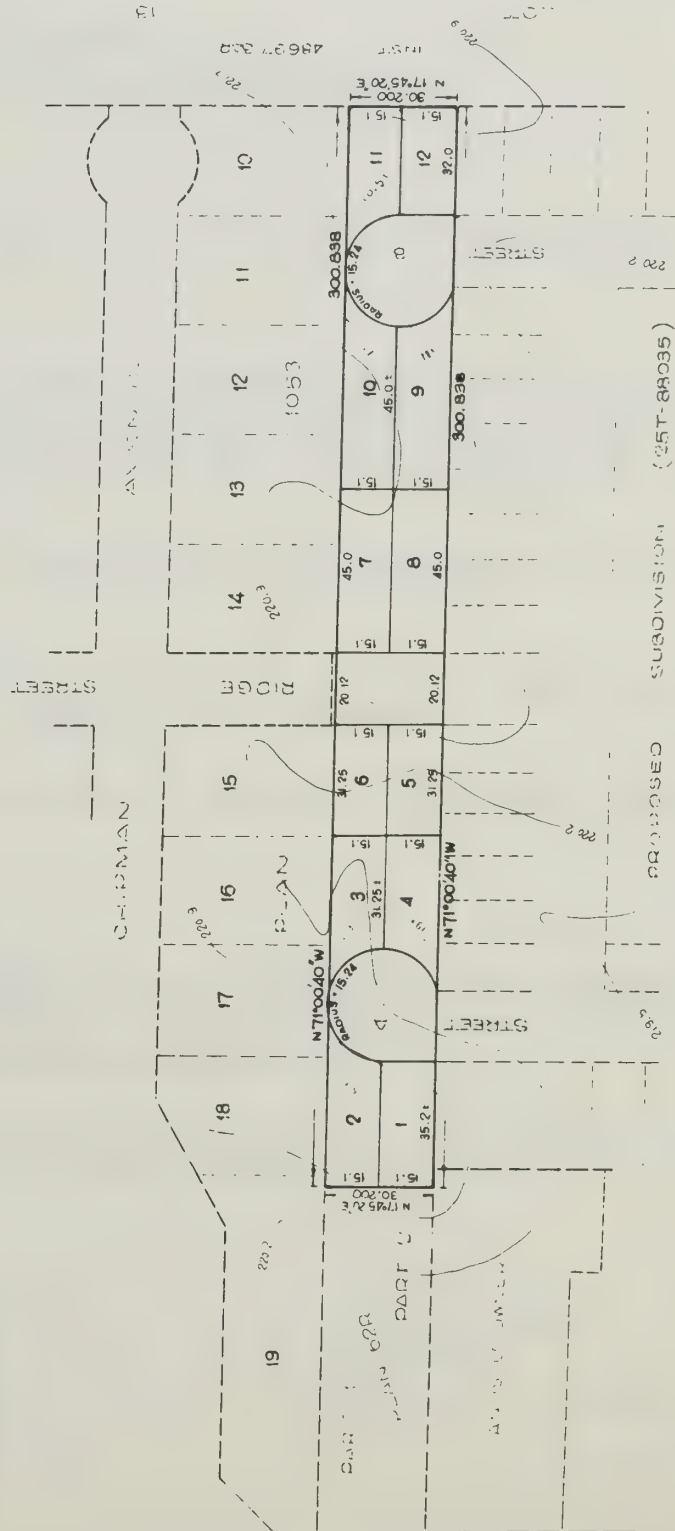
Legend



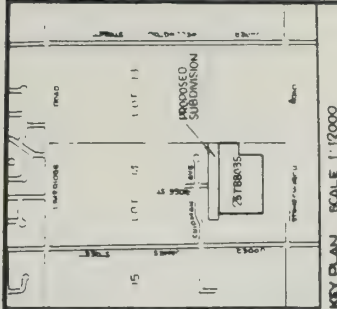
Site of the Application



**DRAFT PLAN OF
EFFORT GARDENS EXTENSION
BEING A PROPOSED SUBDIVISION OF
PART OF LOT 14- CONCESSION 7
IN THE MUNICIPALITY OF HAMILTON
TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WESTMONT
SCALE 1:800
J. DAVID PETERS O.L.S.**



LEGEND
READINGS ARE ASTRONOMIC AND ARE OBTAINED
FROM THE NATIONAL LIMIT OF UPPER JAMES STREET
AS WORKED AND SHOWN ON PLAN 886 MISC. AS
N 17°45'20" E



**SCHEDULE RE SECTION 50 (2)
THE PLANNING ACT, R.S.O. 1985**
A) SHOWN
B) SHOWN
C) SHOWN
D) SHOWN
E) SHOWN
F) SHOWN
G) SHOWN
H) SHOWN
I) SHOWN
J) SHOWN
K) SHOWN
L) SHOWN

OWNED'S CERTIFICATE
HEREBY AUTHORIZE MACKAY MACKAY
FORTHES TO SUBMIT THIS PLAN FOR
APPROVAL.

AUTHOR HERE

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED AND THEIR
DIMENSIONS AND BEARINGS HAVE BEEN
ACCURATELY AND CORRECTLY OBTAINED.

J. David Peters
J. DAVID PETERS O.L.S.

**MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS**

(ESTABLISHED 1964)
SUITE 608 UNION GAS BUILDING
20 HUGHSON STREET SOUTH
HAMILTON ONTARIO L8N 2A1
TELEPHONE (416) 538-7471
TELEGRAPH (416) 538-0741

21.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 29, 1989

COMM FILE:

DEPT FILE: ZA-89-120

Thorner

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - property located at the rear of No. 641 Limeridge Road East.

RECOMMENDATION

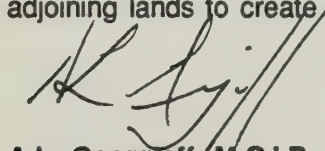
That approval be given to Zoning Application 89-120, Anna Filazzola, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of No. 641 Limeridge Road East, as shown on the attached plan marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27A for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

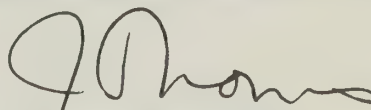
EXPLANATORY NOTE

The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 641 Limeridge Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the rear portion of the property to be developed in conjunction with adjoining lands to create a building lot for a single-family dwelling fronting onto Parkwood Crescent.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

The purpose of the change in zoning is to establish the appropriate zoning to permit the rear portion of the property to be developed in conjunction with adjoining lands to create a single-family dwelling lot fronting onto Parkwood Crescent.

- Land Severance Application

At its meeting held on December 12, 1989, the Regional Land Division Committee considered and approved application H-248-89 to sever the rear portion of lands at No. 641 Limeridge Road East. The effect of the severance was to add the subject lands to adjoining lands for residential purposes (see APPENDIX "B"). At the same meeting, application H-249-89 was approved which created a single-family dwelling lot fronting onto Parkwood Crescent, and conveyed an irregular piece of land for future residential development in conjunction with adjoining lands (see APPENDIX "C"). The applications were approved conditional upon, among other things, the applicant submitting proof of final approval of any necessary change of zoning/zoning amendment.

APPLICANT

Anna Filazzola, owner.

LOT SIZE AND AREA

Rear portion of lands having:

- 24.38 m (80.0 ft.) of lot width;
- approximately 16.76 m (55.0 ft.) of lot depth; and,
- approximately 408.76 m² (4,400 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	legal non-conforming public garage and single-family dwellings	"AA" (Agricultural) District
to the west	vacant land and single-family dwellings	"C" (Urban Protected Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "SINGLE AND DOUBLE" residential purposes on the approved Thorner Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department and the Local Architectural Conservation Advisory Committee staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has not submitted comments, to date.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Thorner Neighbourhood Plan which designates the property for "Single and Double" residential use.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the both the Official Plan and the approved Thorner Neighbourhood Plan;
 - ii) it would be compatible with existing and future development contemplated in this area;
 - iii) the requested change in zoning is appropriate for the proposed development;
 - iv) it implements the condition of rezoning required by the Regional Land Division Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA89120

FILE NO.: H-248-89
DATE: NOV. 17, 1989

APPENDIX B

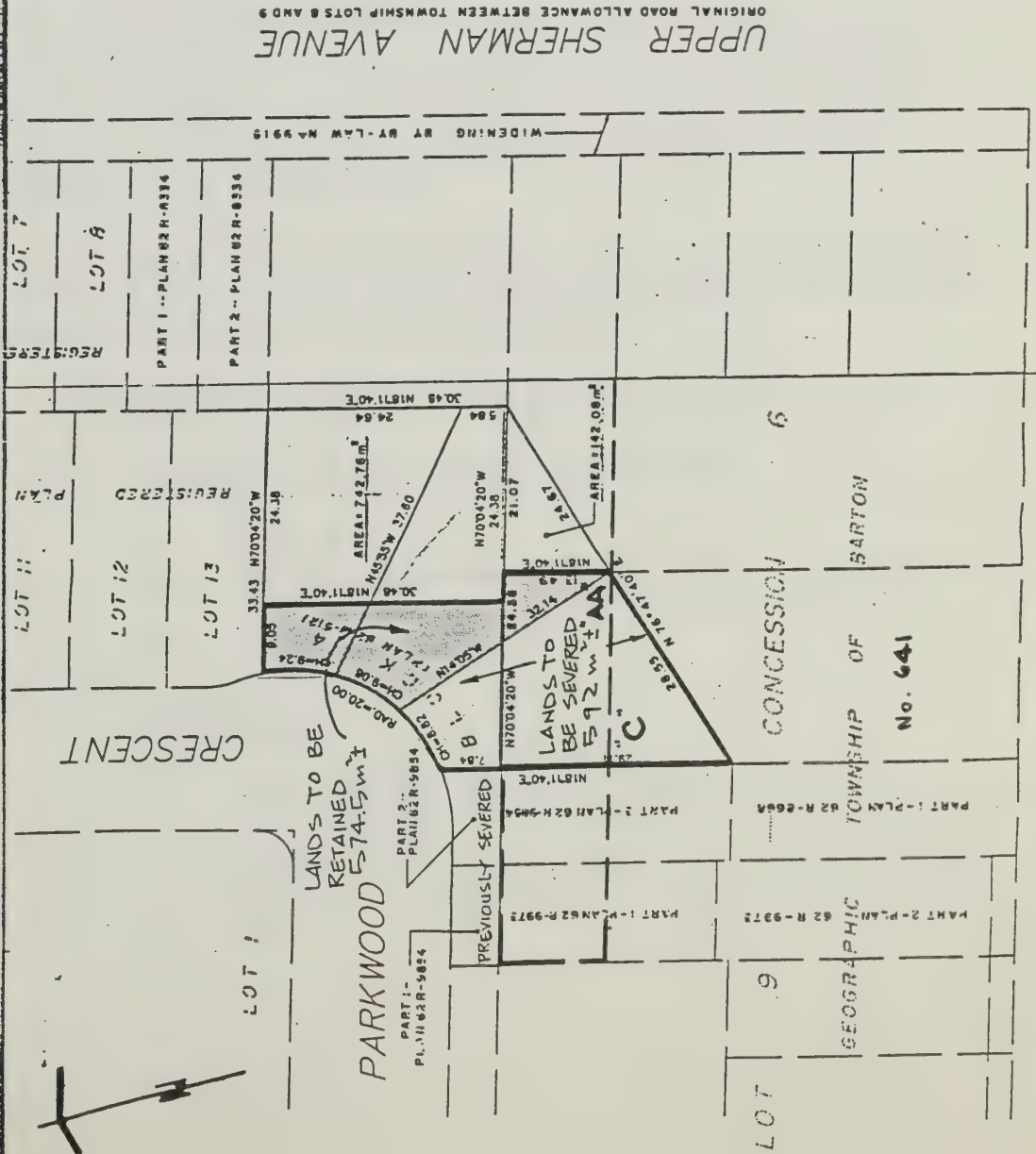
LIMERIDGE ROAD EAST

SKETCH OF
PART OF BLOCK 14 SHERMAN OAKS PHASE 4
AND
REGISTERED PLAN NO. 62M-512
PART OF LOT 9 CONCESSION 6
GEOGRAPHIC TOWNSHIP OF BARTON
ALL NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
0 10 20 metres
D.G. FRASER O.L.S.
1989

FILE NO: H-249-89
DATE: NOV. 17, 1989

APPENDIX C

A. J. Clarke and Associates Ltd



LIMERIDGE ROAD EAST
ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 6 AND 9

22.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 30, 1990

COMM FILE:

DEPT FILE: ZA-89-115

Stinson

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - No. 18 West Avenue South.

RECOMMENDATIONS:

- A) That approval be given to Zoning Application 89-115, LIUNA Local 837 Health and Welfare Plan, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit the conversion of the existing building for a dental office and vision ware dispensary for union members on the first floor, and offices on the second floor, for the property located at No. 18 West Avenue South, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 11(1), the following uses shall be permitted:
 - 1) Commercial uses only within the existing building:
 - i) a dental office;
 - ii) business and professional offices (excluding all medical offices except a dental office permitted in clause i) above); and,
 - iii) an optician's establishment.
 - 2) Accessory Use:
 - i) one ground sign, wall sign or projecting sign having an area of not more than 0.4 m² non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.5 m from the nearest street line in connection with the commercial use.

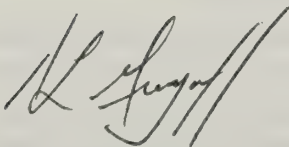
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-13 and E-14 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-13 and E-14 for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - v) That the Stinson Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to "Commercial".
- B) That the amending by-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for the property located at No. 18 West Avenue South, as shown on the attached map.

The effect of the by-law is to permit the following uses:

- Commercial within the existing building only:
 - 1) a dental office;
 - 2) business and professional offices (Excluding medical offices with the exception of a dental office); and,
 - 3) an opticians establishment.
- Accessory
 - 1) one ground, wall, or projecting sign not greater than 0.4 m² in area, non-illuminated or illuminated by non-flashing, indirect or interior means only and no closer than 1.5 m to the nearest street line.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

LIUNA Local 837 Health and Welfare Plan, owner.

BACKGROUND:

LIUNA Local 837 proposes to convert the ground floor of the existing building to a dental office (approximately 400 sq. ft.) and vision ware dispensary (approximately 300 sq. ft.) for use by union members only, and the second floor for general offices.

Based on the preliminary site plan, it appears that the site can accommodate 12 parking spaces. (see APPENDIX "B").

LOT SIZE AND AREA:

- 31.15 m (102.12 ft.) of lot frontage on West Avenue South;
- 37.06 m (121.58 ft.) of lot depth; and,
- 1,153.4 m² (12,415.75 sq.ft.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant 2 storey building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
<u>Surrounding Lands</u>		
to the north	church, parking lot	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses) District "H" (Community Shopping and Commercial, etc.) District
to the south and west	apartment buildings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

to the east

Canadian Tire parking
lot, two family dwellings

"G-3" (Public Parking Lot)
District and "E" (Multiple
Dwellings, Lodges, Clubs, etc.)
District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A". The following policy applies, amongst others:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan."

The proposal does not conflict with the intent of the Plan.

CENTRAL AREA PLAN:

The subject lands are designated "Neighbourhood Residential" in the Central Area Plan. The following policy applies:

Policy 4.4.3:

"...limited conversion of residential structures to commercial uses will be permitted to allow for the preservation of residential attributes and the streetscape of an area. Commercial uses should be limited to professional offices such as, but not limited to, doctors, accountants and lawyers in the existing buildings only. Commercial conversions should be evaluated on the following general basis:

- i) the residential character of the surrounding area should be maintained;
- ii) the conversion should have minimal impact on the surrounding area, particularly in terms of traffic and parking;
- iii) the proposal should be located near other commercial, mixed use, or high activity areas (e.g. arterial roads);

- iv) the building should maintain a residential component; and,
- v) the proposal should not have any significant adverse effect on the supply of affordable housing in the area".

Since the previous use of the building was for religious purposes and no dwelling units were provided, Policies 4.4.3 iv) and v) do not apply.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Stinson Neighbourhood Plan. The proposal does not comply with the Neighbourhood Plan. A site specific redesignation from "Medium Density Apartments" to "Commercial" would be required.

RESULTS OF CIRCULARIZATION:

- The following Department and agency have no comments or objections:
 - Hamilton-Wentworth Police; and,
 - Hamilton Region Conservation Authority.
- The Traffic Department has advised that:

"The application for a modification to the existing zoning to permit medical offices is satisfactory subject to the provision of parking in accordance with the Zoning By-law."
- The Building Department has advised that:

"Parking numbers to be provided must be both commercial and medical type".
- The Hamilton-Wentworth Engineering Department has not submitted any comments to date.
- LACAC Research Sub-Committee had advised that:

"This "listed" large 2-storey brick house was formerly the manse of St. Thomas Anglican Church, located next door at 16 West Avenue South, but was sold to the "Church of God of Prophecy" in 1983 and recently to the present owner.

The Committee had no objection to the proposed zoning modification but expressed interest in seeing drawings for any proposed renovations."

COMMENTS:

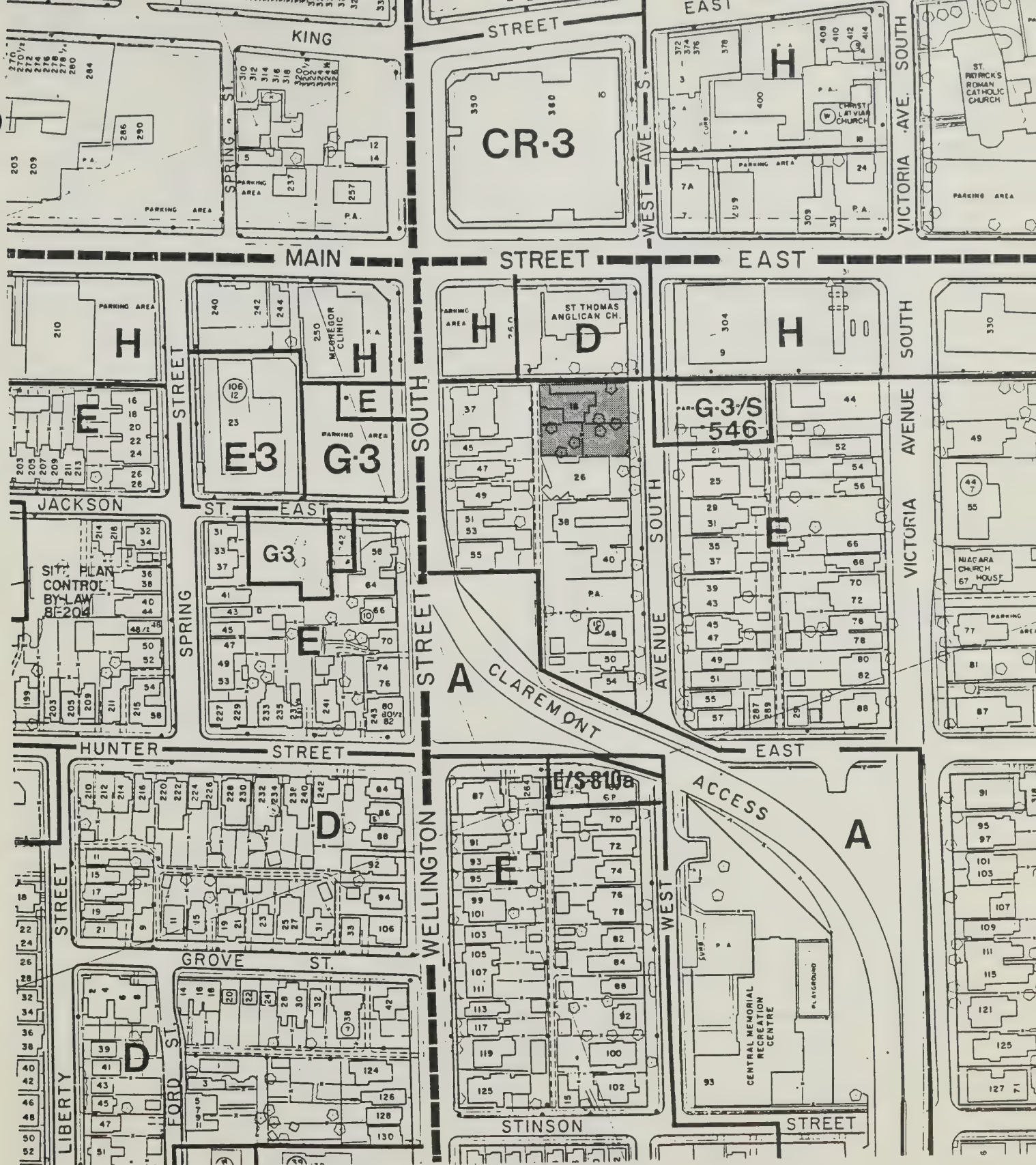
- 1) The proposal does not conflict with the intent of the Official Plan or the Central Area Plan.
- 2) The proposal conflicts with the intent of the Neighbourhood Plan. A redesignation to "Commercial" is required.
- 3) The proposal has merit and warrants consideration for the following reasons:
 - i) it would provide for an adaptive re-use of a "listed" historic building;
 - ii) since the proposed uses are within the existing building the residential streetscape will remain intact;
 - iii) it is not out of character with the mix of land uses in the surrounding area including the Canadian Tire store to the east and the church to the north; and,
 - iv) it implements the intent of the Official Plan and Central Area Plan.
- 4) Based on the preliminary site plan (see APPENDIX "B"), the applicant can accomodate 12 parking spaces on site. However, only two parking spaces are required since the dental office is only 37 m² (1 space for every 19 m²). Furthermore, there are no parking requirements for buildings less than 450 m² with the exception of the dental office.

Under the "E" District regulations, the lands are subject to Site Plan Control By-law 79-275, as amended by By-law 83-223. However, since this development may not be considered redevelopment, site plan control may not apply. Accordingly, to ensure that the parking arrangement, access and landscaping is satisfactory, it would be appropriate to hold the amending by-law in abeyance until a site plan has been approved by the Planning and Development Committee.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

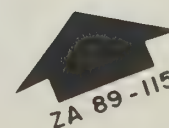
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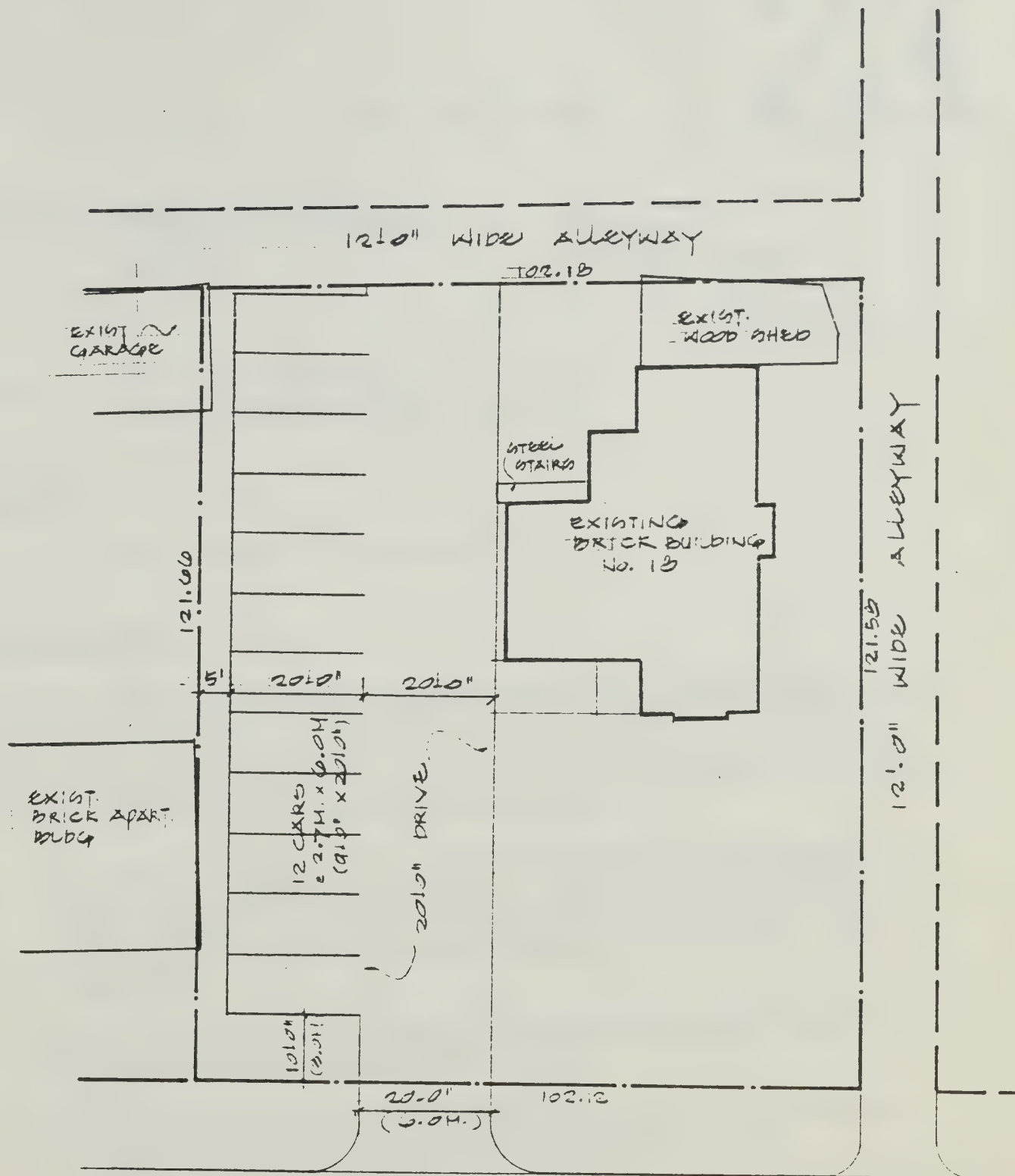


LEGEND



SITE OF THE APPLICATION





WEST AVENUE SOUTH

SITE PLAN

SCALE 1" = 20'-0"



FOR ACTION

23

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 29, 1990
COMM. FILE:
DEPT. FILE: ZA-89-125
Kennedy East
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

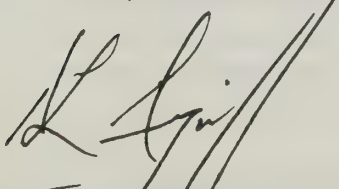
SUBJECT:

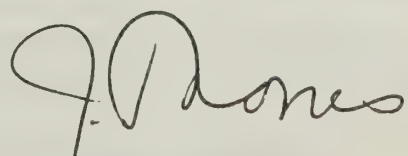
Request for a change in zoning - Nos. 63 and 67 Malton Drive.

RECOMMENDATION

That Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at Nos. 63 and 67 Malton Drive, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) The proposal is incompatible with the character of development in the surrounding area as this portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. The proposed lots would provide for an indiscriminate mix of lot sizes which is undesirable, and would undermine the established residential character of the neighbourhood;
- ii) Approval of the application may encourage other similar applications which, if approved, would alter the character of the neighbourhood; and,
- iii) The proposal represents an undesirable intrusion of the "C" (Urban Protected Residential, etc.) District into the "B" (Suburban Agriculture and Residential, etc.) District.


A.L. Georgieff, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants' intention to create two (2) building lots for single-family detached dwellings by severing two lots from the rear portion of their lands (see APPENDIX "A"). The two new lots would front onto Christie Street. The existing houses would be retained.

APPLICANTS

Joan and Bruce Richardson & Ruby and Wellman Stockton, owners.

LOT SIZE AND AREA

- o 45.72 m (150 feet) of lot frontage on Malton Drive;
- o 60.96 m (200 feet) of lot frontage on Christie Street; and,
- o 2,787.09 m² (30,000 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	two single-family detached dwellings	"B" (Suburban Agriculture and Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	single-family detached dwellings	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within

this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value."

The proposed lots are not in keeping with the residential character of the area. On the basis of the foregoing, the application does not comply with the intent of the Official Plan. However, if the application is approved, an Official Plan amendment would not be required.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Kennedy East Neighbourhood Plan, the proposal does not conflict with the intent of the neighbourhood plan.

COMMENTS RECEIVED

- o The following agencies have no comment or objection:
 - Building Department;
 - Traffic Department;
 - Niagara Peninsula Conservation Authority; and,
 - Hamilton Region Conservation Authority.
- o To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. However, approval of the application would not require an Official Plan amendment.
2. The proposal does not conflict with the intent of the approved Kennedy East Neighbourhood Plan.

3. The proposal cannot be supported for the following reasons:

- i) The proposal is incompatible with the character of development in the surrounding area as this portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. This proposal would create an indiscriminate mix of lot sizes which is undesirable, and contrary to the intent of the Official Plan. The proposed two lots would undermine the established residential character of this neighbourhood;
- ii) Approval of the application may encourage other similar applications which, if approved, would alter the character of the neighbourhood; and,
- iii) The proposal represents an undesirable intrusion of the "C" (Urban Protected Residential, etc.) District into the "B" (Suburban Agriculture and Residential, etc.) District.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

MLT/ma
WPZA89125

FOR ACTION

24.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 30, 1990

COMM FILE:

DEPT FILE: ZA-89-101

Rushdale

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change of zoning - property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

RECOMMENDATION

A. That amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a townhouse or apartment development on property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposal to permit apartments conflicts with the intent of Subsection D.2 Neighbourhood Plan Policies of the Official Plan. In this regard, the proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the lands for "ATTACHED HOUSING".
- ii) Under the requested "E-2" District, approval could result in an 8 storey, approximately 90 unit apartment building which would be incompatible and out of character with existing and proposed development in this area, which is primarily comprised of single-family dwellings and townhouse dwellings.
- iii) Approval of this application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the area.

B. That approval be given to an amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a townhouse development on property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

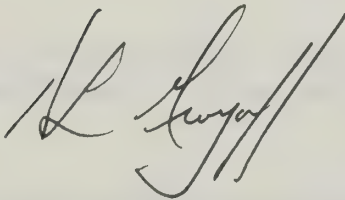
- ii) That "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:
 - a) That notwithstanding Section 10E(2)(a)3 a Street Townhouse Dwelling shall be prohibited.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27C be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

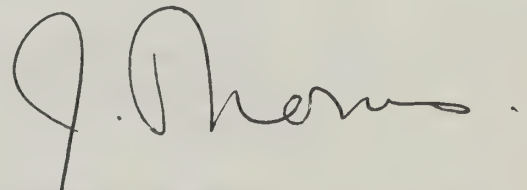
The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District for property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit a Townhouse or Maisonette development on the subject lands.

In addition, the By-law prohibits Street Townhouse Dwellings.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to rezone the subject land to permit the option of a townhouse or apartment development. In this regard, no preliminary site plans have been submitted for review.

APPLICANT

Joe Mancinelli, Henry Mancinelli and Ricardo Persi, Owners.

LOT SIZE AND AREA

- 73.15 m (240.0 ft.) of lot frontage on Upper Sherman Avenue;
- 86.25 m (283.0 ft.) of lot depth; and
- 6,309.76 m² (1.5 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two single-family dwellings and a semi-detached dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"AA" (Agricultural) District and "R-4" (Small Lot Single-Family Detached) District
to the south	a single-family dwelling and vacant lands	"AA" (Agricultural) District
to the east	single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings	"D" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

Designated "RESIDENTIAL" on Schedule "A", the Land Use Concept Plan of the Official Plan, and subject to among others the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
 - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent low-density uses.

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal to develop the site for townhouses would comply with the intent of the plan. However, the proposed apartment development, would conflict with the intent of the Official Plan as the site is designated for "ATTACHED HOUSING" development on the approved Rushdale Neighbourhood Plan. Approval of the application would necessitate an amendment to the Neighbourhood Plan to redesignate the lands to "MEDIUM DENSITY APARTMENTS", thereby establishing conformity with the intent of the Official Plan.

COMMENTS RECEIVED

- The Building Department and the Hamilton Region Conservation Authority have no comments or objections.

- The Traffic Department has advised that:

..."find it satisfactory, provided that no street townhouses be permitted with direct frontage on Upper Sherman Avenue."
- The Hamilton-Wentworth Engineering Department has not submitted comments, to date.

COMMENTS

1. The proposal to develop the site for apartments would conflict with the intent of Subsection D.2-Neighbourhood Plan Policies of the Official Plan. In this regard the site is designated for "Attached Housing" on the approved Rushdale Neighbourhood Plan.

Approval of the application would require a redesignation from "ATTACHED HOUSING" to "MEDIUM DENSITY APARTMENTS", thereby bringing the proposal into compliance with the Official Plan.

2. The proposal to permit an apartment development on the site cannot be supported for the following reasons:

- it conflicts with the Neighbourhood Plan Policies of the Official Plan, in that the site is designated for "Attached Housing" on the approved Rushdale Neighbourhood Plan;
- under the requested "E-2" District, approval could result in an 8 storey, approximately 90 unit apartment building which would be incompatible and out of character with existing and proposed development in this area, which is primarily comprised of single-family dwellings and townhouse dwellings.

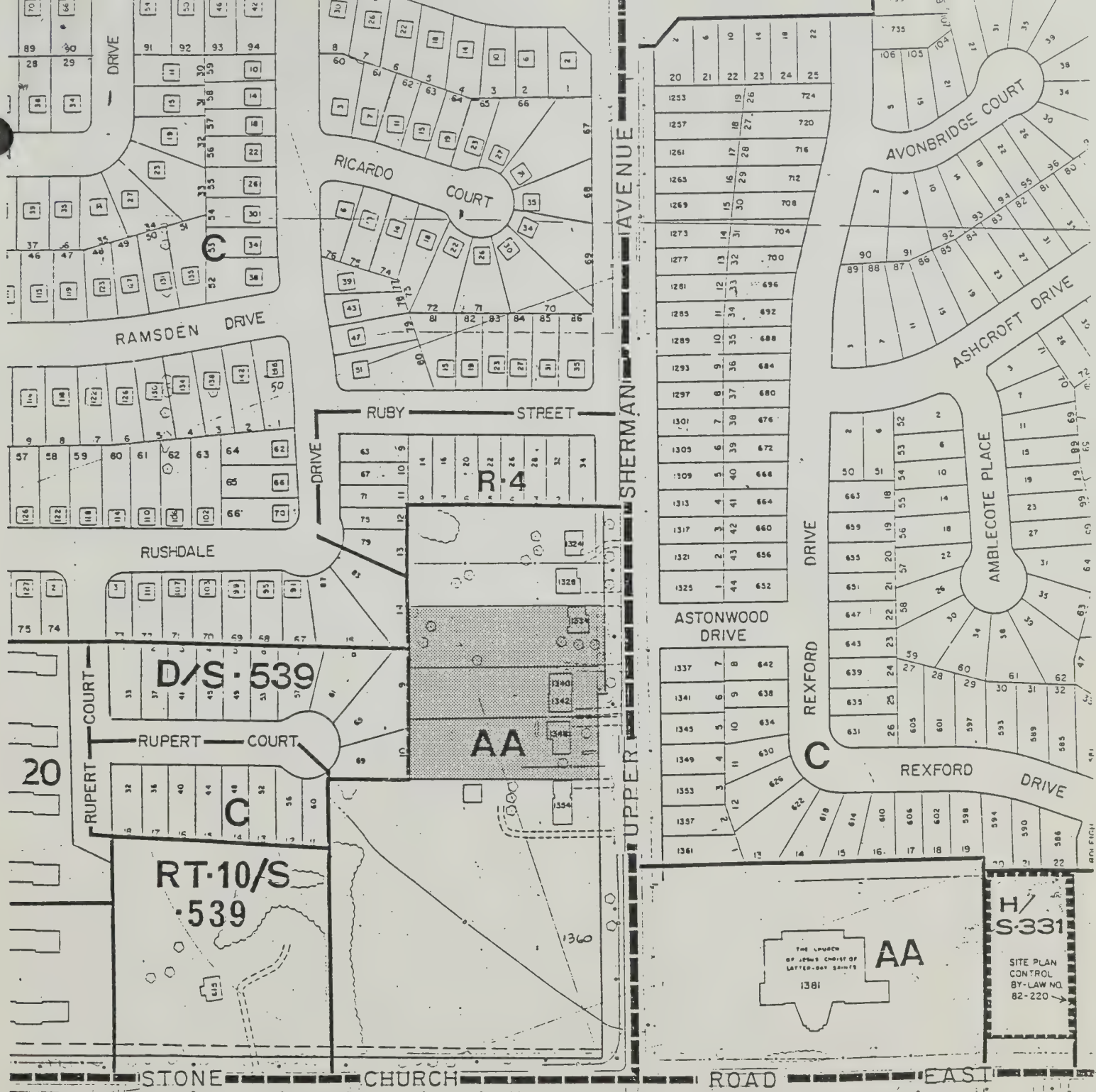
Comparatively, if the lands were developed for townhouses as contemplated in the approved Neighbourhood Plan, approximately 26 units could be built in accordance with the "RT-20" District regulations (1 unit/230 m² net lot area).

3. Consideration could be given to an amended Zoning Application to permit a townhouse development under the "RT-20" District regulations on the property in accordance with the intent of the approved Rushdale Neighbourhood Plan. In keeping with the comments of the Traffic Department, street townhouse dwellings should be prohibited, thereby limiting the number of driveway accesses along Upper Sherman Avenue.
4. The "RT-20" District is subject to Site Plan Control By-Law 79-275 as amended by By-Law 87-223. In this regard, matters related to landscaping, grading, parking, access, fencing, etc. will be reviewed at the Site Plan Control Stage of development.

CONCLUSION

On the basis of the foregoing, the application as submitted should be **DENIED**, however support could be given an amended application for a change in zoning of the site from "AA" (Agricultural) District to "RT-20 " (Townhouse - Maisonette) District.

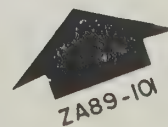
GAW/NS/ma
WPZA89101



Legend



Site of the Application



APPENDIX A

CAYONHBLAOS
C51P4

MRS. J. MacANANAMA
CHIEF LIBRARIAN

2nd floor

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



CITY OF
HAMILTON, ONTARIO
L8N 5G4

TEL 596-0711
FAX 596-2700

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

1990 January 18th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 January 24th
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Susan K. Reeder
Secretary

SKR:dbm

NOTE NEW STARTING TIME AT 9:00 O'CLOCK A.M.

ZONING APPLICATIONS WILL BE HEARD AT
10:30 O'CLOCK A.M. IN THE CITY HALL COUNCIL CHAMBERS

AGENDA

1. Minutes of the meeting held Wednesday, 1989 December 13th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.
3. Appointment of Inspectors under The Building Code Act.

I

DIRECTOR OF PROPERTY

4. Release of Building Covenants - Louis Filo, 211-229 Lanark Street, Lot 6, Plan 1309 - Lakely Industrial Estates No. 1.

ACTING CITY SOLICITOR

5. Proposed expropriation of Part of Lot 9, Concession 1, geographic township of Barton and part of Reserve Registered Plan 547.

CITY TREASURER

6. Final Release of Holdbacks.
 - (a) Delmar Contracting Limited.
 - (b) Associated Paving Company Limited.

DIRECTOR OF LOCAL PLANNING

7. Proposed Draft Plans of Condominium -
 - (a) "Pigott and Sunlife Buildings"
 - (b) "Kingsmount Place II"
 - (c) South west corner of Rymal Road East and Derby Street.
 - (d) North side of Ossington Drive.
 - (e) "Stone West Village"
8. By-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138, inclusive, and Block 140 of Registered Plan 62M-639.
9. Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.
10. James Mountain Road Study - C.A.P.I.C. Comments.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

11. MacNab - Charles Heritage Conservation District.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

12. Zoning Application 89-54, Dunston Development Inc., owner, requesting a modification to the "M-12" District, for property located at 1527 Upper Ottawa Street; Rymal Neighbourhood.
13. Zoning Application 89-112, Starward Homes Limited, prospective owner, for a change in zoning from "AA" District to "C" District, for property located at 244 Stone Church Road West; Gourley Neighbourhood.
14. Zoning Application 89-66, 804907 Ontario Ltd. (Ming Sun Holdings Inc.), owner, requesting a modification to the "M-12" District, for part of property municipally known as 1575 Upper Ottawa Street; Rymal Neighbourhood.

(a) Letter of Submission - Phyllis Fitzgerald, 61 Everest Street.

10:45 O'CLOCK A.M.

15. Zoning Application 89-84, 518374 Ontario Ltd., (Angelo Papastamos), owner, requesting a modification to the "AA" District, for property located at 1314 Upper Wentworth Street; Crerar Neighbourhood.
16. Zoning Application 89-102, C. Chiaravalle, owner, requesting a change in zoning from "AA" District to "C" District, and a modification to the "C" District, for property located at the north-east corner of Limeridge Road East and Upper Sherman Avenue; Lawfield Neighbourhood.

11:00 O'CLOCK A.M.

17. Zoning Application 89-119, Lynn Mitges and Anna McCusker, owners, requesting a further modification to the "E-1" District, for property located at 65 Walnut Street South; Corktown Neighbourhood.
18. Other Business.
19. Adjournment.

Wednesday, 1989 December 13
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman M. Kiss
Alderman D. Ross
Alderman W. McCulloch
Alderman D. Christopherson
Alderman B. Hinkley

Also present: Alderman T. Murray
Alderman G. Copps
Mr. A. Georgieff, Director of Local Planning
Mr. L. Harvey, Building Department
Mr. D. Pickard, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. L. King, Building Commissioner
Mr. J. Robinson, Community Development Department
Mr. B. Allick, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. M. Watson, Real Estate, Property Department
Mr. D. Godley, Planning Department
Mr. J. Swartz, Regional Planning Department
Mr. J. Sakala, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Mr. R. Karl, Traffic Department
Mrs. N. Chapple, Architectural Historian, LACAC, Planning
Mr. J. Lakatos, Planning Department
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee discussed whether or not to have a Planning and Development Committee meeting on 1990 January 3 as the first meeting in the newly structured Committee schedule. General discussion ensued on this matter and the Committee agreed that they would hold a meeting on Wednesday, 1990 January 3.

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 23 respecting By-law 80-245 as amended by By-law 88-09 respecting land drainage.

The Building Commissioner outlined the staff report on this matter. Mr. Haverty, of Haverty and Rankin Limited, Architects and Mr. Valeri, Developer spoke to this matter with respect to a recent subdivision project where 75 to 80 percent of the project was completed prior to them being aware of the Roof Leaders requirement.

Mr. Tony Battaglia, representing the Hamilton and District Homebuilders Association spoke to the Committee and supported the staff recommendation with respect to this matter.

Considerable discussion then ensued on this issue and the Committee agreed to take no action with respect to the staff recommendation to amend By-law 80-245 to allow buildings other than single and two family dwellings and buildings accessory thereto to discharge rain water leaders directly onto the ground rather than providing a connection to storm sewers.

The Committee was in receipt of a report from the Building Commissioner dated 1989 December 6 respecting demolition permit applications.

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 1830 Main Street East

Meeting Schedule -
1990 January

Land Drainage

Demolition Permit
Applications

- (b) 1626 Upper Gage
- (c) 148 Annabelle Street
- (d) 2644 King Street East

Commercial Facade Loan
Programme Applications:

The Committee was in receipt of a report from the Director of Community Development Department dated 1989 November 28 respecting a Commercial Facade Loan Programme application for property at 355 Barton Street East.

The Committee approved the following:

355 Barton Street East.

That a repayable loan, in the amount of nine thousand, six hundred and seventy-four dollars (\$9,674.) be approved under the Commercial Facade Loan Programme for 355 Barton Street East, Ms. C. Rodriguez. The interest rate will be 6 3/4 percent, amortized over 10 years.

403-405 Barton Street
East.

The Committee was in receipt of a report from the Director of Community Development dated 1989 December 7 respecting a Commercial Facade Loan Programme for application for property at 403 - 405 Barton Street East.

The Committee approved the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars (\$30,000.) be approved for 403-405 Barton Street East, Angela Agostino. The Interest rate will be 6 3/4 percent, amortized over 10 years.

361 Barton Street East.

The Committee was in receipt of a report from the Director Community Development Department dated 1989 December 7 respecting a Commercial Facade Loan Programme application for property at 361 Barton Street East.

The Committee approved the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of nine thousand, four hundred and twenty-four dollars (\$9,424.) be approved for 361 Barton Street East, Mr. Adao Dacunha. The interest rate will be 6 3/4 percent, amortized over 10 years.

NOTE: A loan in the amount of eight thousand, seven hundred and seventy-four dollars (\$8,774.) was previously approved 1989 May. This new loan amount represents an increase based on extra work required.

Change Order No.1 -
Delmar Contracting
Limited - Downtown Action
Plan, Phase V, James
Street North, Streetscape
Improvements.

The Committee was in receipt of a report from the Director of Community Development dated 1989 December 6 respecting Change Order No. 1 to Delmar Contracting Limited - Downtown Action Plan, Phase V, James Street North, Streetscape Improvements.

The Committee approved the following:

That, Change Order No. 1 in the amount of \$52,976.06 (Fifty-Two Thousand, Nine Hundred and Seventy-six dollars and six cents) be issued to Delmar Contracting Limited for Phase V, of the Downtown Action Plan (James Street North), bringing the contract value to \$1,510,035 .06 (One Million, Five Hundred and Ten Thousand, Thirty-five dollars and six cents) from \$1,457,059. (One Million, Four Hundred and Fifty-seven Thousand and Fifty-Nine dollars).

NOTE: Credits are being received from Regional Engineering, Commercial Improvement Programme and Insurance Recoveries which will reduce the City's share to \$13,400. (Thirteen thousand Four Hundred dollars).

Purchase by the City -
401 Sherman Avenue North.

The Committee was in receipt of a report from the Director of Property dated 1989 December 4 respecting Purchase by the City - 401 Sherman Avenue North.

The Committee approved the following:

That an Option to Purchase the property at 401 Sherman Avenue North duly executed by Peter Spitman on 1989 November 30 and scheduled to close on or before 1990 February 26 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 7.702 metres (25.27 feet) by a depth of 34.73 metres (114 feet), containing an area of 253.6 square metres (2,729.8 square feet) more particularly shown as Part 5 and Part 6 on Plan 62R-10267 together with all structures erected thereon. The purchase price of \$165,650. and all costs and associated expenses to be charged to Account #CF 5590 308750001. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1989 November 28 respecting payment of grading cost relating to the sale of the South Half, Part 1, 62R-8770, Upper Ottawa Street.

Payment of grading cost relating to the Sale of property on Upper Ottawa Street.

The Committee approved the following:

That authorization be given to pay the account of Stuart Fletcher Excavating Limited in the amount of \$19,610. for the payment of grading costs relating to the sale of the south half, Part 1, 62R-8770, Upper Ottawa Street, and charge same to account CH 5X307 00102.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 December 5 respecting cash payment in lieu of 5% parkland dedication for "Aquino Gardens - Phase 1" Hamilton.

Cash payment in lieu of 5% Parkland Dedication - "Aquino Gardens - Phase 1".

The Committee approved the following:

That the City of Hamilton accept the sum of \$26,400. as cash payment in lieu of 5% dedication in connection with "Aquino Gardens - Phase 1", Hamilton, this being the cash requirement under section 50 of the Planning Act.

NOTE: These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood, Hamilton.

The Committee was in receipt of correspondence forwarded to them from Alderman D. Christopherson to Dr. Charles Forsyth, Vice-Chairman, CAPIC advising that he will be regretfully resigning from CAPIC as Chairman and as a member due to conflicts in his schedule.

C.A.P.I.C. Chairman

The Committee agreed to receive this information.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 30 respecting proposed draft plan of subdivision for "Beaverton Drive".

Proposed Draft Plan of Subdivision - "Beaverton Drive"

The Committee approved the following:

- (a) That approval be given to subdivision application SA-89-14, "Beaverton Drive", Salci Developments Inc. owner, to establish a draft plan of subdivision located at the south side of Beaverton Drive and west of Upper Sherman Avenue in the Butler Neighbourhood, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated 1989 June 27.
 - (ii) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (iii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

- (vi) That the owner acquire the 0.3 m reserve on the north side of Beaverton Drive and on the east side of Acadia Drive from the City of Hamilton.
 - (vii) That the plan not receive final approval prior to the availability of storm and sanitary sewers.
 - (viii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (ix) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-14), Salci Developments Inc., owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

DA 89-72 -
66 Ewen Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 30 respecting site plan control application DA89-72 for property at 66 Ewen Road.

A representative, Mr. Bell, spoke on behalf of the area residents to the Committee on the History of the Property and the reasons why the application should be denied.

Mr. Butterworth, Architect and Mr. Lee, Solicitor for the owner of the property, spoke on the reasons why the application should be approved.

Considerable discussion ensued on this matter by the Committee and it was then moved by Alderman Lombardo seconded by Alderman Ross and carried to approve the following recommendation:

That approval be given to site plan control application DA89-72 by 627791 Ontario Inc., c/o Aries Construction, owners of lands known as 66 Ewen Road for a public storage warehouse subject to the following:

- (a) Modification to the plans in relation to notes and dimension as marked in red on the plans.
- (b) Approval by the Committee of Adjustment to permit the following variances:
 - (i) A portion of the required front yard landscape area will be interrupted with the location of an access driveway; and
 - (ii) A reduced lot width of 20.117 m minimum instead of the required 30.0 minimum.
- (c) Submission of a landscape plan as redlined or alternate submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

NOTE: Alderman Kiss opposed.

Designation -
219 - 227 Ferguson
Avenue South.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 December 8 respecting designation for property at 219 - 227 Ferguson Avenue South.

The Committee approved the following:

- (a) That approval be given to the "Intent to Designate" the five-unit rowhouse at 219 - 227 Ferguson Avenue South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "A".
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a matter referred back by City Council respecting approval of demolition permit applications for properties at 454, 456 and 458 Main Street West. City Council approved these demolition permit applications subject to the Planning and Development Committee approving these items as well.

Demolition Permit
Applications referred
back by City Council.

The Planning and Development approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 454 Main Street West
- (b) 456 Main Street West
- (c) 458 Main Street West

NOTE: These properties were given conditional approval by City Council at its meeting held Tuesday, 1989 December 12 subject to approval of this matter by the Planning and Development Committee.

The Committee then moved to the City Hall Council Chambers to deliberate on Zoning Applications.

Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 4 respecting City Initiative 89-C for property at 71 - 103 Britten Close.

C.I.89-C - 71-
103 Britten Close.

The Committee approved the following:

That approval be given to City Initiative 89-C for a modification to the "C" (Urban Protected Residential, etc.) District regulations, to establish the location of the "rear lot line", for the properties located at 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) For the purposes of this by-law, the rear lot line shall be the boundary line along Garth Street.
 - (ii) That no vehicular access shall be permitted from Garth Street.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1153, and that the subject lands on Zoning District Map W-17A be notated S-1153;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17A for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The Purpose of this by-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for the properties located at 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close.

The effect of the By-law is to exempt the subject properties from the "through-lot" provisions of Zoning By-law No. 6593, by establishing the property lines adjoining Garth Street as the "rear lot line". In addition, vehicular access from Garth Street will be prohibited.

ZA 89-92 -
302 Stone Church
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 5 respecting Zoning Application 89-92 for property at 302 Stone Church Road West.

The Committee approved the following:

That approval be given to Zoning Application 89-92, Mrs. Siga Erickson, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to create three single-family dwelling lots for property located at 302 Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 302 Stone Church Road West.

The effect of the proposed change in zoning is to sever the subject land into three building lots for single-family detached dwellings.

ZA 89-88 -
1050 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 5 respecting Zoning Application 89-88 for property located at 1050 Rymal Road East.

The Applicant spoke to the Committee on the reasons why this application should be approved.

The Committee then approved the following:

- (A) That amended Zoning Application 89-88, 712191 Ontario Ltd. (G. Valko), Owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a gas bar and a lube shop for the property located at 1050 Rymal Road East, as shown on the attached map marked as Appendix "D", be DENIED in part, for the following reasons:
 - (a) The gas bar is considered as a commercial use which is more appropriately located in the "M-11" zone which permits a broad range of commercial uses;
 - (b) There is an adequate supply of suitably zoned land along Rymal Road East to accommodate the proposed gas bar use; and,
 - (c) Approval of the application may encourage other similar type applications which, if approved, would undermine the intent of the Prestige Industrial Zoning Districts.
- (B) That approval be given to a further amended Zoning Application 89-88, 712191 Ontario Ltd. (G. Valko), owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a lube shop, for the property located at 1050 Rymal Road East, as shown on the attached map marked as appendix "D", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17(D)(1)(b), the following additional commercial use shall be permitted:

<u>Commercial Use</u>	<u>S.I.C. Number</u>
-----------------------	----------------------

Gasoline Service Station, restricted to	6331
--	------

- | | |
|---|--|
| 1. Lubrication services, motor
vehicles. | |
|---|--|

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1154, and that the subject lands on Zoning District Map E-49E be notated S-1154;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to "M-12" (Prestige Industrial) District regulations for the property located at 1050 Rymal Road East.

The effect of the By-law is to permit a lube shop in conjunction with a proposed car wash.

NOTE: Alderman Smith opposed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 6 respecting Zoning Application 89-94 for property at 820 Rymal Road East.

Report of the circularization was given as follows: 197 notices sent, 5 in favour, 6 opposed.

The Committee was also in receipt of correspondence from Mr. A. DiCenzo, DiCenzo Construction Company dated 1989 December 6.

Mr. E. Fothergill of Fothergill Planning Consultants, spoke on behalf of Mr. Spenuk, owner of the property, on the reasons why the project should be approved.

The Committee was in receipt of a submission from Mr. Fothergill respecting his presentation dated 1989 December 11 which includes a petition from area residents advising that they do not view this project as having a negative impact on their neighbourhood.

The Committee then approved the following:

- (a) That approval be given to Official Plan Amendment No. 84 to redesignate the subject lands from "Residential" to "Commercial", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Zoning Application 89-94, J. and E. Spenuk, owners, for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at 820 Rymal Road East, as shown on the attached map marked as Appendix "E" on the following basis:

ZA 89-94 -
820 Rymal Road East.

- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D and E-38E for presentation to City Council;
 - (iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 84 by the Regional Municipality of Hamilton-Wentworth; and,
 - (iv) That the Broughton West Neighbourhood Plan be amended by redesignating the subject lands from "Single" to "Double" residential to "Commercial".
- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 820 Rymal Road East.

The effect of the By-law is to permit a commercial shopping plaza to be constructed on the site.

NOTE: Alderman Christopherson opposed.

ZA 89-38 -
south of C.N. Railway
Tracks, east of
Centennial Parkway
North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 6 respecting Zoning Application 89-38 for lands located south of the C.N. Railway Tracks, east of Centennial Parkway North.

Mr. Sampson, an Ancaster resident spoke to the Committee with respect to Lot 6 in the survey east of the subject lands. He expressed concern at the traffic coming into Cascade from the proposed development.

General discussion then ensued on the traffic patterns in this area.

A Vice-President from Landawn Shopping Centres (National) Limited, spoke to the Committee in support of the staff recommendation to approve this application.

The Committee then approved the following:

- (a) That approval be given to Official Plan Amendment No. 83 to redesignate the subject lands from "Industrial" to "Commercial", to delete the lands from Special Policy Area 11 and to establish a new Special Policy Area to limit the types of Commercial uses, and that the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to an amended Zoning Application 89-38, Landawn Shopping Centres (National) Limited, prospective owner, requesting a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit the construction of a one storey, 9,950 m² shopping centre (i.e. Home Design Centre), for the lands located south of the C.N.R. Railway Tracks, east of Centennial Parkway North, as shown on the attached map marked as Appendix "F", on the following basis:
 - (i) That the subject lands be rezoned from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District;

- (ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (1) That notwithstanding Section 14A(1), only the following uses shall be permitted:

Residential

- (a) Hotel

Commercial

- (b) Gas Bar;
- (c) Building Supply Store (Lumber Yard);
- (d) Sporting Goods Store;
- (e) Offices;
- (f) Bowling alley;
- (g) Billiard hall;
- (h) Cinema (movie theatre);
- (i) Restaurant provided it is non-fast food, there is no drive-thru facility, and it is not free standing;
- (j) Bank;
- (k) Shoe Repair Shop;
- (l) Barbershop, hairdressing establishment or beauty parlour;
- (m) A store for the sale of tobacco products, newspapers and magazines; and
- (n) Signs in accordance with the "HH" District provisions.

- (2) That notwithstanding Section 14A(1), the following uses shall be permitted in addition to the uses listed in Subsection 2(ii)a) above:

Commercial Uses

S.I.C. Identification

- | | |
|---|------|
| (a) Household Furniture Stores
(With Appliances and Furnishings) | 6211 |
| (b) Household Furniture Stores
(Without Appliances and
Furnishings) | 6212 |
| (c) Appliance, Television, Radio
and Stereo Stores | 6221 |
| (d) Television, Radio and Stereo
Stores | 6222 |
| (e) Floor Covering Stores | 6231 |
| (f) Drapery Stores | 6232 |
| (g) Other Household Furnishings Stores | 6239 |
| (h) Lawn and Garden Centres | 6522 |
| (i) Hardware Stores | 6531 |
| (j) Paint, Glass and Wallpaper Stores | 6532 |

- (3) That notwithstanding Section 14A, outside storage use in conjunction with a permitted use shall be permitted subject to the following:

- (a) A visual barrier not less than 1.5 m and not more than 2.0 m in height shall be provided and maintained along the westerly boundary and 20 m along the southerly boundary contiguous to the westerly boundary.
 - (b) The total area of the outside storage shall not exceed 15% of the total lot area.
 - (4) That a minimum 3.0 m wide landscape strip shall be provided and maintained along the lot line adjoining Centennial Parkway, except for any area used for access driveway(s).
 - (5) That a chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1155, and that the subject lands on Zoning District Map E-113 be notated S-1155;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council;
 - (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 83 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The Purpose of the by-law is to provide for a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District, for the lands located south of the C.N. Railway tracks, east of Centennial Parkway North.

The effect of the By-law is to permit the construction of a one storey, 9,950 m², shopping centre (i.e. Home Design Centre) containing one or more of the following uses as previously noted.

In addition, the By-law provides for the following variances as special requirements:

- (a) to permit an outside storage area in conjunction with a permitted use, provided the total outside storage area shall not exceed 15% of the total lot area;
- (b) to require a visual barrier between 1.5 m to 3.0 m in height along the westerly boundary and 20 m of the southerly boundary of the storage area;
- (c) to provide and maintain a minimum 3.0 m wide landscape strip along the lot line adjoining Centennial Parkway, except for any area used for an access driveway(s); and
- (d) to provide and maintain a chain-link fence not less than 1.8 m in height along the northerly lot line adjacent to the Canadian National Railway Line.

As a result of discussion on the traffic impact in this area, it was agreed that the Traffic Department would review the Cascade entrance to determine what problems will be arising.

The Committee was also advised that this property will automatically come under Site Plan Control.

Planning and Development Committee - 11 - Wednesday, 1989 December 13

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

Alderman J. Smith, Chairman
Planning and Development

Susan K. Reeder
Secretary
1989 December 13

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: January 17, 1990

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 230 Eleanor Avenue
- b. 74 Melbourne Street
- c. 401 Sherman Avenue North
- d. 91 Arbour Road
- e. 30 Queensdale Avenue West
- f. 337 East Avenue North
- g. 1198 Stone Church Road East

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

[illegible]

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY

DATE: January 17, 1990											
ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION				
g.	1198 Stone Church Road East	S.F.D.	Vacant	100' X 1475'	Valeri Const.	"M14/S1048"	It is recommended that Committee approve demolition.				

FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

DATE: 1990 January 3

COMM FILE:

DEPT FILE: 90.4.2.3.

SUBJECT: Appointment of Inspectors under The Building Code Act

RECOMMENDATION: That the City Solicitor be authorized to amend By-Law 87-312 as follows:

- a) That Section 6(a) be amended by **ADDING** the name:
Wak-Kuen Wong, P. Eng.
- b) That Section 8(a) be amended by **DELETING** the name:
Wak-Kuen Wong, P. Eng.
- c) That Section 9(a) be amended by **DELETING** the name:
Gerald N. Farrell
- d) That Section 9(a) be amended by **ADDING** the names:
Natalie Gould
Glen McCrory

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Due to recent changes in the staff of the Building Department, By-Law 87-312 respecting the Appointment of Inspectors needs to be amended to accommodate these changes.



FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

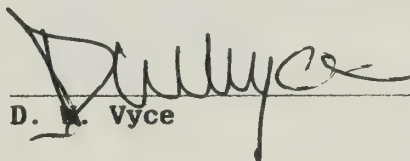
FROM: Mr. D. W. Vyce
Director of Property

DATE: 1990 January 8
COMM FILE:
DEPT FILE: (4504)

SUBJECT: Release of Building Covenants - Louis Filo
211-229 Lanark Street, Hamilton, Ontario
Lot 6, Plan 1309 - Lakely Industrial Estates No.1

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 211-229 Lanark Street, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed instrument #103418 A.B. registered September 4, 1968.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

In adopting Item 37 of the Board of Control, City Council on February 27, 1968 authorized the sale of Lot 6, Registered Plan 1309 to Louis Filo. The transaction was completed on September 4, 1968. The proposed building was completed.

This department supports the request of the owner that the City of Hamilton release the construction covenants contained in deed number 103418 AB in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. - Mr. P.R.A. Hooker, Acting City Solicitor
Attention: Mr. L. Farr

FOR ACTION

5.

REPORT TO: Chairman and Members
Planning & Development Committee

FROM: P.R.A. Hooker
Acting City Solicitor

DATE: 1990 January 9
COMM FILE:
DEPT FILE: 55-0/89.1

SUBJECT:

Proposed expropriation of Part of Lot 9, Concession 1, geographic township of Barton and part of Reserve Registered Plan 547.

RECOMMENDATION:

That the attached draft expropriation by-law to expropriate, under Section 34(8) of The Planning Act, 1983, lands and structures which do not conform with a by-law passed under Section 34 which land is described as Parts 1, 2 and 4 together with a right-of-way over Part 3 on Survey 62R-10267 (measuring approximately 30.08 feet by 93.39 feet), be enacted by Council.

Philip R. A. Hooker

P.R.A. Hooker
Acting City Solicitor

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

As authorized by Council at its meeting of June 27th, 1989 Notice of the City's intention to expropriate this land has been advertised and served upon all persons having an interest in this land and no request for an inquiry hearing into the proposed expropriation has been received.

The next step in this expropriation under The Expropriations Act is for Council to enact the attached draft Expropriation By-law which will authorize the registration of the City's Expropriation Plan. This land is required to remove residential uses from the Industrial areas in the Alpha Enclave.

LEF:mm
Attach.

c.c. Mr. D. W. Vyce, Director of Property
c.c. Mr. G. S. Spencer, Commissioner of Engineering
Attention: Mr. R. Douglas, Senior Surveyor

BILL NO.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO EXPROPRIATE LANDS THAT DO NOT CONFORM
WITH BY-LAWS PASSED UNDER SECTION 34 OF
THE PLANNING ACT, S.O. 1983, CHAPTER 1

WHEREAS Section 34 , subsection (8) of The Planning Act, S.O. 1983, Chapter 1 provides that a municipality may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under Section 34 of The Planning Act;

AND WHEREAS the lands, buildings or structures described and included in the lands described in Schedule "A" below are used or erected for a purpose that does not conform with by-laws passed under Section 34 of The Planning Act;

AND WHEREAS Section 193 of The Municipal Act, R.S.O. 1980, Chapter 302 states that the Council of a municipality may pass by-laws for acquiring or expropriating any land required for the purpose of the Corporation;

AND WHEREAS on June 27th, 1989, The Corporation of the City of Hamilton, as an expropriating authority, pursuant to The Expropriations Act, R.S.O. 1980, Chapter 148 did authorize an application to the Council of The Corporation of the City of Hamilton, as approving authority, for approval of the expropriation pursuant to said Section 34, subsection (8), of the lands set out in Schedule "A" below;

AND WHEREAS Notices of the said application as required under The Expropriations Act have been duly served in accordance with The Expropriations Act;

AND WHEREAS The Corporation of the City of Hamilton, as expropriating authority, did publish Notice of the said application in The Spectator, a newspaper having general circulation in the City of Hamilton in accordance with the said Expropriations Act;

AND WHEREAS pursuant to the said Expropriations Act, an inquiry hearing to determine if the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority was not requested by owners of the said lands;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. As approving authority under The Expropriations Act, the Council of The Corporation of the City of Hamilton hereby approves the said application to expropriate the lands described in Schedule "A" set out below.
2. As expropriating authority under The Expropriations Act, The Corporation of the City of Hamilton hereby expropriates the lands described in Schedule "A" set out below.

3. That the City Clerk and the proper officers of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this by-law and this authority shall include the taking of all necessary proceedings to enter and take possession of the lands herein expropriated.

PASSED this day of , A.D. 1990.



Mayor

City Clerk

SCHEDULE "A"

That certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of Part of Lot 9, Concession 1, in the geographic township of Barton and designated as Parts 1 and 2 and Part of Reserve, Registered Plan 547, designated as Part 4, all on Plan 62R-10267, subject to a right-of-way over Part of said Lot 9, designated as Part 2 on Plan 62R-10267, together with a right-of-way over Part of said Lot 9, designated as Part 3 on Plan 62R-10267, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

(File 55-0/89.1, Item No. 10, Committee T & E 16-89, Council 90.)

FOR ACTION

6a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. C. Matthews
Treasurer

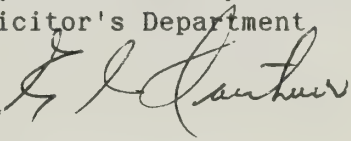
DATE: 1990 January 3
COMM FILE:
DEPT FILE:

SUBJECT: FINAL RELEASE OF HOLDBACK

RECOMMENDATION:

That total holdback in the amount of \$4,620.98 be released to Delmar Contracting Limited for the completion of P.O. No. 19070 for the Downtown Hamilton Action Plan Streetscape Phase II, pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)



Contractor is entitled to release of holdback on the 46th day after total completion.

BACKGROUND:

The contract was approved at a special meeting of City Council July 16, 1985 for \$1,061,102.00. The project was completed September 7, 1989 for a final total cost of \$1,082,513.19. The 45 day lien period expired October 23, 1989 and I am recommending release of all holdback monies at this time pending receipt of the necessary release forms by the Treasury.

FOR ACTION

6b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

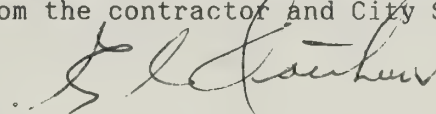
FROM: Mr. E. C. Matthews
Treasurer

DATE: 1989 December 12
COMM FILE:
DEPT FILE:

SUBJECT: FINAL RELEASE OF HOLDBACK

RECOMMENDATION:

That total holdback in the amount of \$6,998.69 be released to Associated Paving Co. Ltd. for the completion of contract No. 30971, for the construction of Corktown-Stinson ONIP - parking and driveway facilities, pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Contractor is entitled to release of holdback on the 46th day after total completion.

BACKGROUND:

The contract was approved by Council April 26, 1988 for \$75,487.00. The project was completed May 5, 1989 for a total cost of \$69,987.00. The 45 day lien period expired June 25, 1989 and I am recommending release of all holdback monies at this time pending receipt of the necessary release forms by the Treasury.

FOR ACTION

7a.

REPORT TO:

SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM:

J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE:

1990 JANUARY 12

COMM FILE:

DEPT FILES:

SA-89-20
25CDM-89021

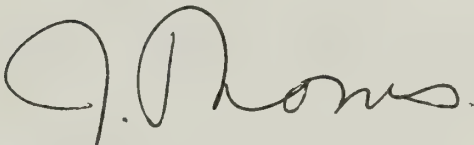
SUBJECT

Proposed Draft Plan of Condominium

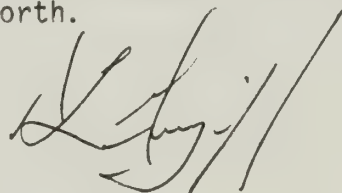
RECOMMENDATION

That approval be given to application SA-89-20 "Pigott and Sunlife Buildings", Reemark Heritage Gardens Limited, owner, to establish a draft plan of condominium located on the north-westerly corner of James Street and Main Street, subject to the following conditions:

1. That this approval apply to the plan prepared by Yates & Yates, O.L.S., dated May 5, 1989.
2. That the owner agree in writing to satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Reemark Heritage Gardens Ltd., Toronto, Ontario

Agent

Lang, Michener, Lawrence and Shaw, Barristers & Solicitors, Toronto, Ontario

Surveyor

Yates & Yates Ltd., Willowdale, Ontario

Location

The lands, comprising 0.239 ha are located at the north-westerly corner of James Street and Main Street, in the Central Neighbourhood, City of Hamilton.

Proposal

The owner is in the process of renovating two buildings which, prior to this proposal, were used for commercial purposes. The existing buildings will provide for 110 apartment units.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Regional Centre". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Central Policy Area". The proposal complies.

Neighbourhood Plan - the lands are designated "Commercial and Apartments". The proposal complies.

Zoning - the lands are zoned "H1" (Civic Centre Protected) District and "I" (Central Business) District. The Building Department had no comment on this proposal.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Transportation;
- o Hamilton Region Conservation Authority;
- o Ontario Hydro;
- o Union Gas;
- o Bell Canada.

The Regional Department of Engineering has submitted the following comments and recommendations:

For information

1. Public sewers are available, and of adequate capacity on Main Street.
2. Public watermains are available on both James Street and Main Street to service the proposed development.

Recommendations:

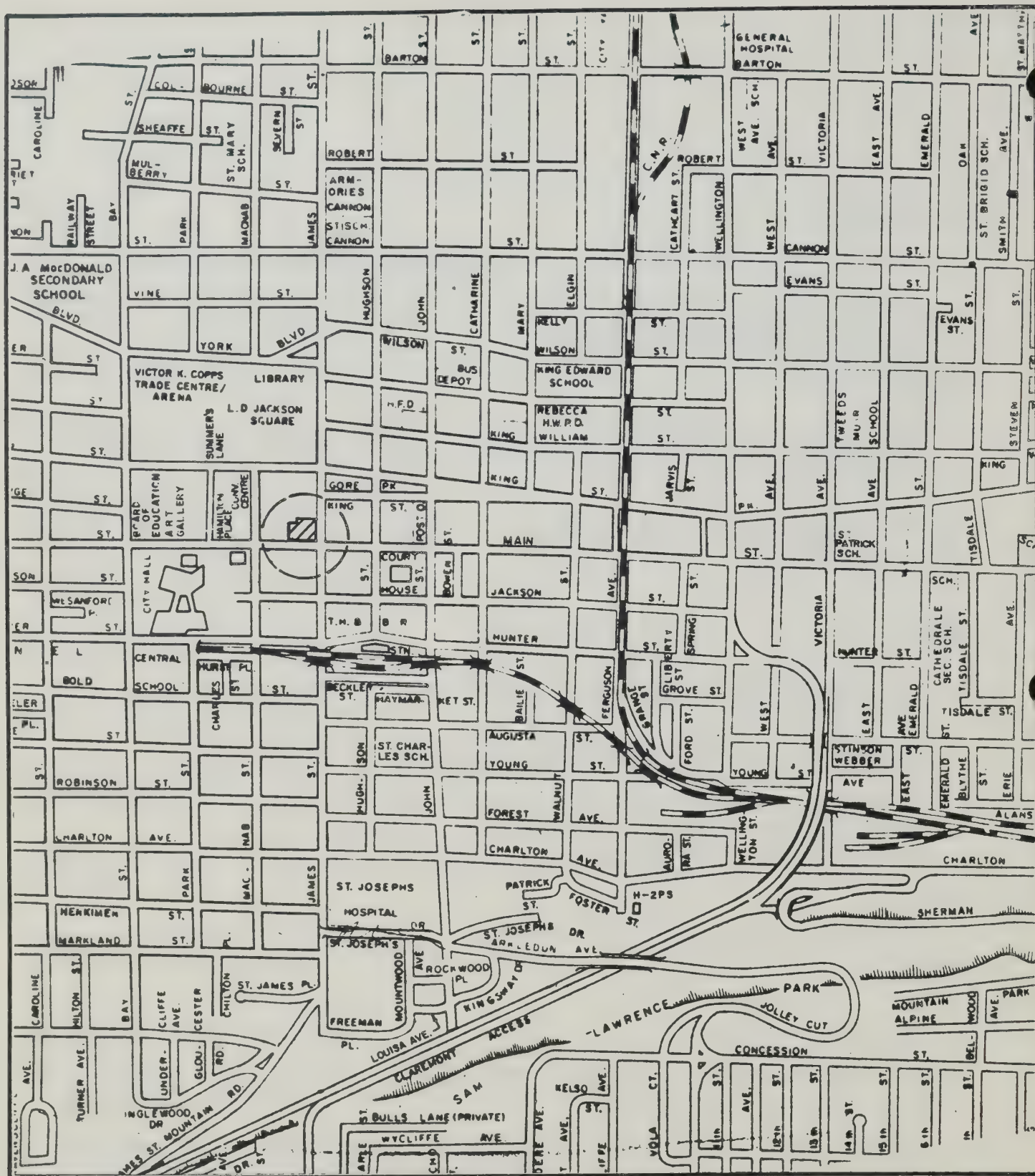
1. The owner is to satisfy the Region's financial requirements, in regards to levies and servicing costs, prior to the release of the Final Plan of Condominium.

The submitted plan, as prepared by G. B. Clarke, O.L.S. and dated August 10, 1989, is satisfactory to this Department subject to the above-noted comments and recommendations.

COMMENTS

1. The conformity of the proposal with the Official Plan and the Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner received site plan approval under DA-88-119, for the rear garage on the site on May 17, 1989.

JLS/jd



Location Plan For

DRAFT PLAN OF CONDOMINIUM OF
PART OF LOTS 42, 43, AND 44
IN THE P. H. HAMILTON SURVEY BEING
IN THE BLOCK BOUNDED BY MAIN,
MacNAB, KING, AND JAMES STREETS.
IN THE CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

N. T. S.

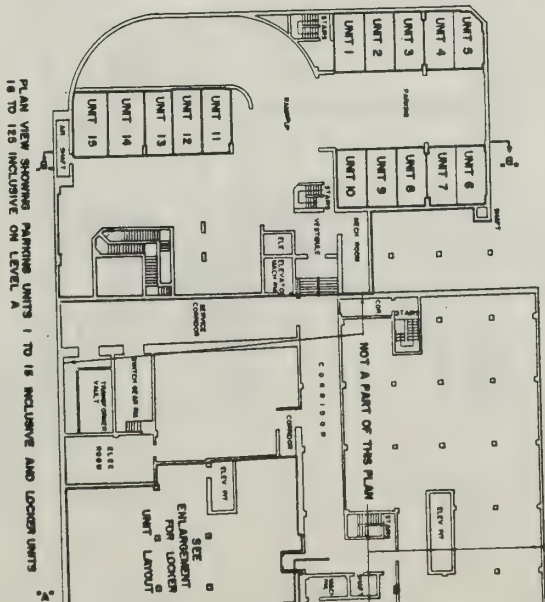
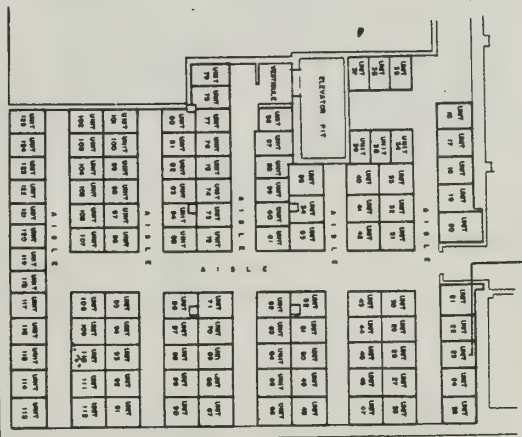
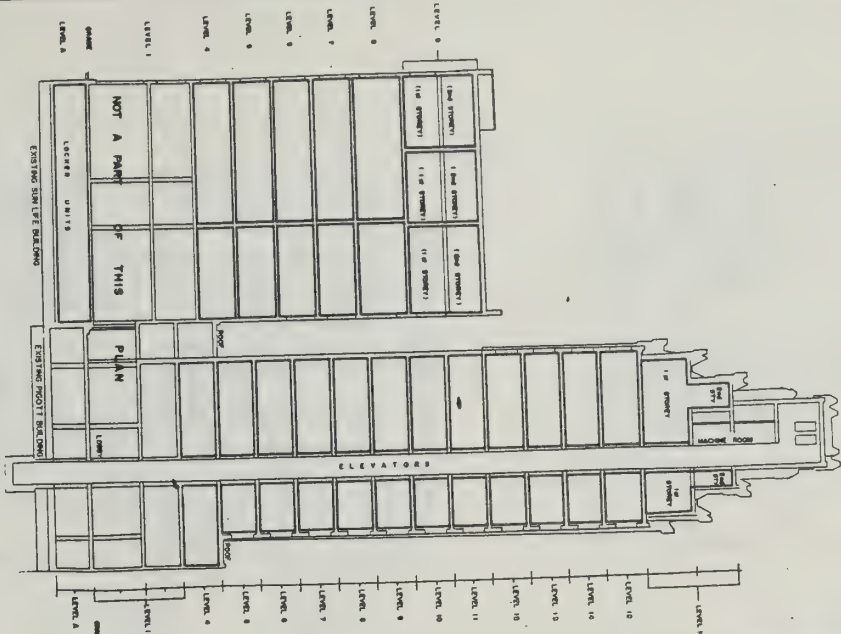
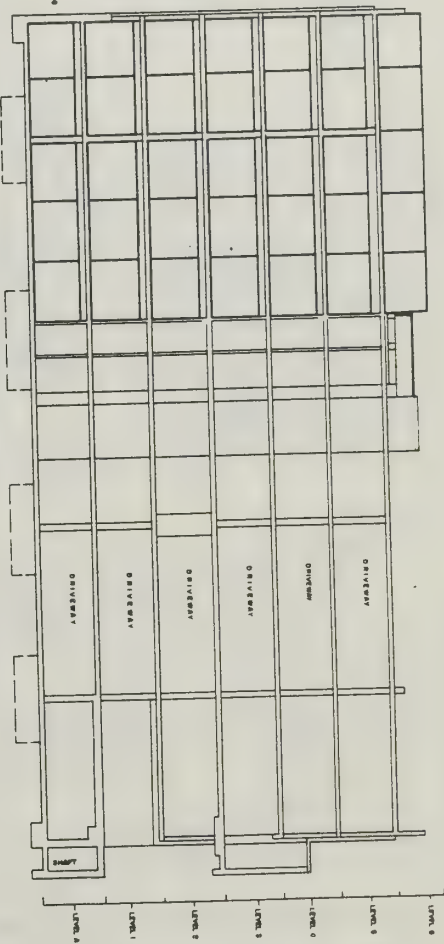
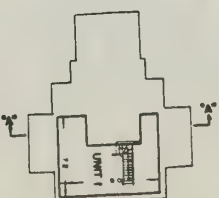
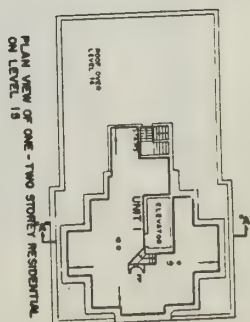
Date

OCT. 13, 1989

Reference File No.

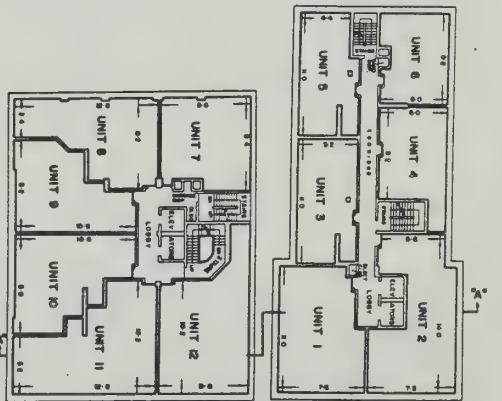
25CDM-89021

Drawing No.

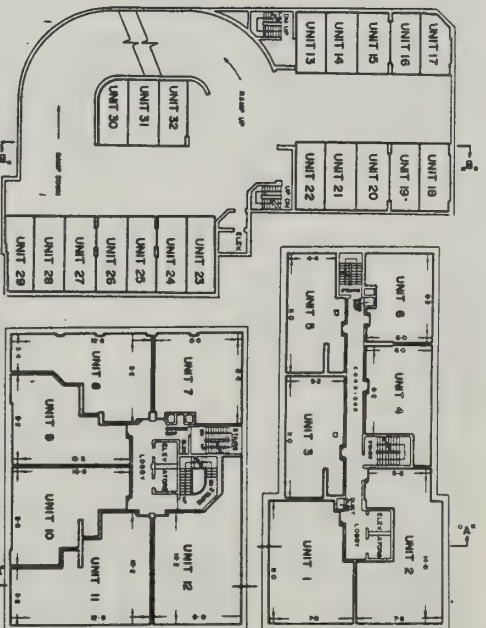




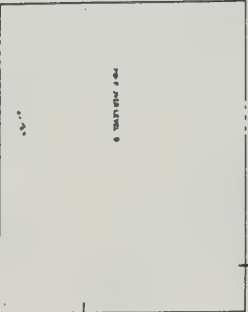
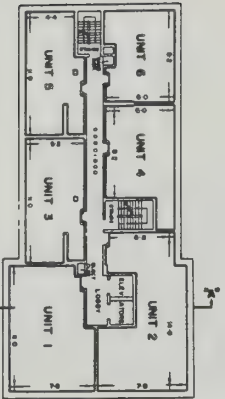
PLAN SHOWING RESIDENTIAL UNITS 1 TO 6 INCLUSIVE ON LEVEL 10 AND THREE SECOND STORY UNITS ON LEVEL 9



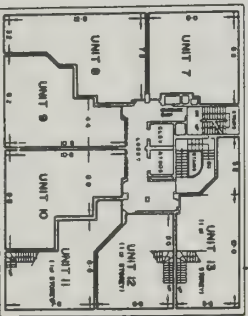
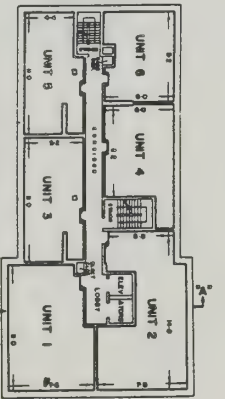
PLAN VIEW SHOWING RESIDENTIAL UNITS 1 TO 12 INCLUSIVE ON LEVELS 7 AND 8



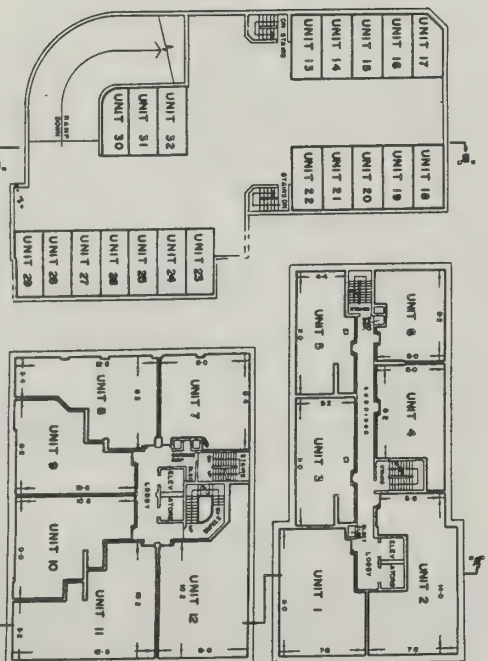
PLAN VIEW SHOWING RESIDENTIAL UNITS 1 TO 32 INCLUSIVE AND PARKING UNITS 19 TO 32 INCLUSIVE ON LEVEL 8



PLAN VIEW SHOWING RESIDENTIAL UNITS 1 TO 6 INCLUSIVE ON LEVELS 11 TO 18 INCLUSIVE



PLAN VIEW SHOWING RESIDENTIAL UNITS 1 TO 13 INCLUSIVE ON LEVEL 9



PLAN VIEW SHOWING RESIDENTIAL UNITS 1 TO 32 INCLUSIVE AND PARKING UNITS 19 TO 32 INCLUSIVE ON LEVEL 6

FOR ACTION

7b.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1990 JANUARY 15
COMM FILE:
DEPT FILES: SA-89-30
25CDM-89026


SUBJECT

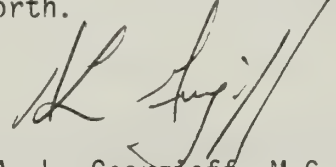
Proposed Draft Plan of Condominium

RECOMMENDATION

That approval be given for application SA-89-30 "Kingsmount Place II", T. Valery Construction Ltd., owner, to establish a draft plan of condominium located on the south side of Rymal Road East and west of Derby Street. subject to the following conditions:

1. That this approval apply to the plan prepared by J. D. Barnes Limited, dated October 17, 1989, showing 47 Townhouse Units.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

T. Valery Construction Ltd., Hamilton, Ontario

Agent

Agro, Zaffiro, Prente Orzel & Baker, Hamilton, Ontario

Surveyor

J. D. Barnes Ltd., Hamilton, Ontario

Location

The lands, comprising 1.073 ha, are located on the south side of Rymal Road, west of Derby Street, being Block "40" of R. P. 614, in the Broughton East Neighbourhood, City of Hamilton.

Proposal

The owner is in the process of constructing 47 Townhouse Units within 7 buildings as a Condominium Project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Area". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "attached housing". The proposal complies.

Zoning - the lands are zoned "E2" (Multiple Dwellings). The proposal complies.

Niagara Escarpment Commission - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- o City Traffic Department;
- o City Building Department;
- o Ministry of Transportation;
- o Ontario Hydro, Union Gas, Bell Canada.

The Regional Department of Engineering forwarded the following comments and recommendation:

For information:

- "1. Sanitary and storm sewers and watermains are available on the abutting streets for servicing the subject lands.

2. There are no additional road widenings required for this property.
3. The Region's subdivision agreement for "Lillian Heights - Phase 1" provides for the payment of all service costs.

Recommendation:

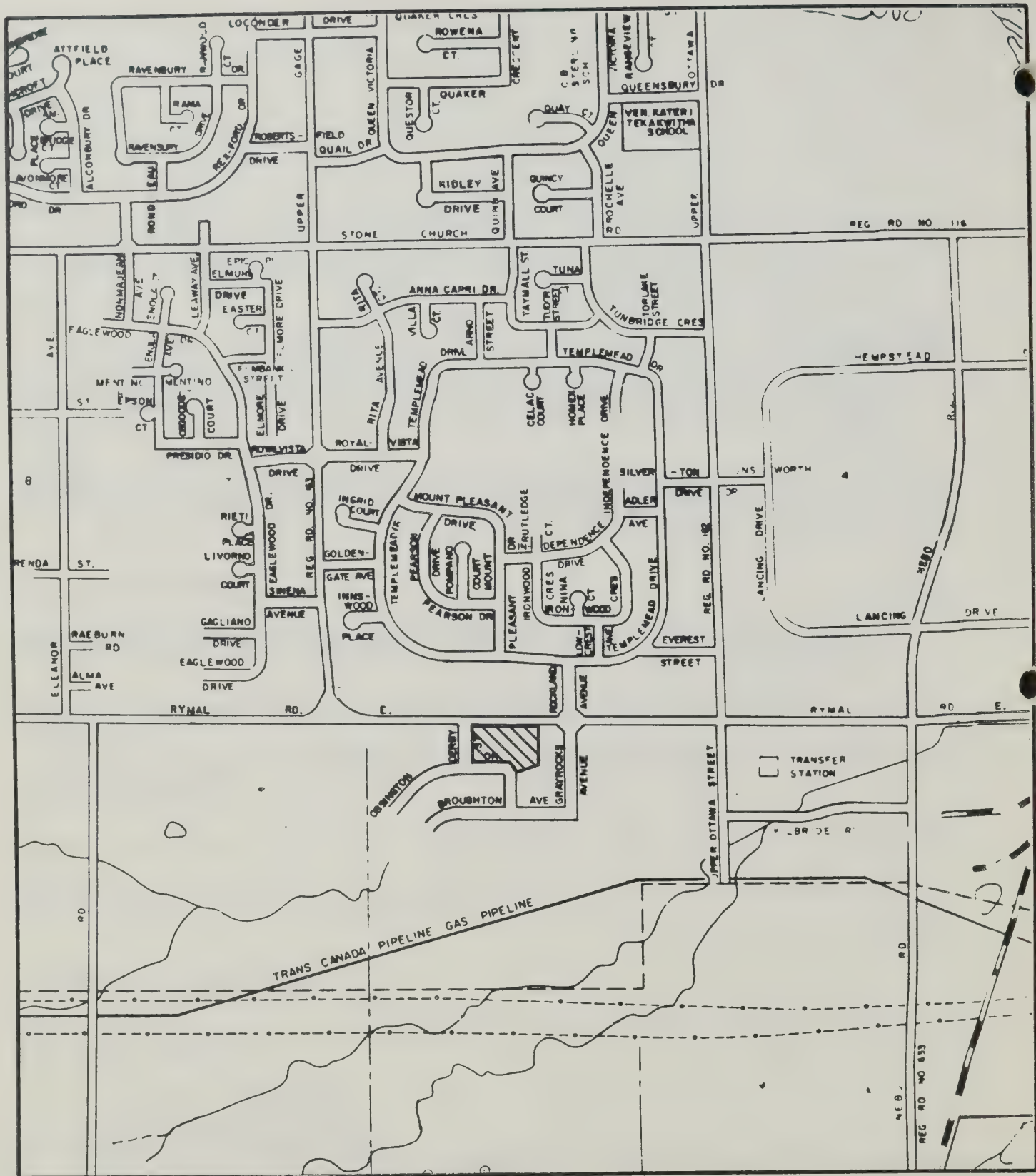
1. The subdivider is to satisfy the Region's financial requirements in regards to Development charges prior to the release of the final plan of condominium.

The proposed draft plan of condominium as prepared by Lawrence G. Woods, O.L.S. and dated October 10, 1989, is satisfactory to this Department subject to the above-noted comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner has received Site Plan approval under DA-89-14 on May 3, 1989.

JLS/jd



Location Plan For

KINGSMOUNT PLACE II

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North

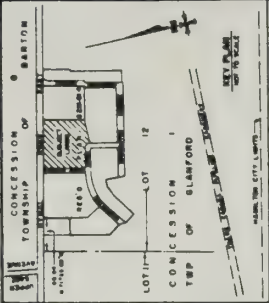


Scale
1" = 1000'

Date
DEC. 6, 1989

Reference File No.
25CDM-89026

Drawing No.



**DRAFT PLAN OF CONDOMINIUM OF
BLOCK 40
LILLIAN HEIGHTS (PHASE II)
REGISTERED PLAN 62M-614
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH**

SCALE 1/8" = 1'-0"
J. D. BARNES LIMITED - 1989

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND
ARE TO BE CONSIDERED AS APPROXIMATE.

REMARKS
ALL DISTANCES SHOWN ON THIS PLAN ARE APPROXIMATE
AND ARE TO BE CONSIDERED AS APPROXIMATE.

ALL PLANS
ALL PLANS MUST BE APPROVED BY THE SURVEYOR
OF THE CITY OF HAMILTON.

CONVEYANCE
CONVEYANCE MUST BE MADE BY DEED AND MUST BE
REGISTERED IN THE OFFICE OF THE SURVEYOR.

SCHEDULE RE SECTION 50 (2)
THE PLANNING ACT

- 1. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 2. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 3. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 4. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 5. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 6. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 7. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 8. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 9. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.
- 10. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.

OWNER'S CERTIFICATE
I, the undersigned, being the owner of the property shown on the above plan, do hereby certify that the plan is a true and correct representation of the property and that the same is in accordance with the requirements of the Planning Act and the Regulations thereunder.

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly qualified surveyor, do hereby certify that the plan is a true and correct representation of the property and that the same is in accordance with the requirements of the Planning Act and the Regulations thereunder.

NOTES
1. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.

1989

J.D. BARNES
SURVEYING
LAND INFORMATION SERVICES
OFFICE OF CHIEF
SURVEYOR
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH
100 KING STREET WEST
HAMILTON, ONTARIO L8N 1K1
TEL: (905) 571-1111
FAX: (905) 571-1112

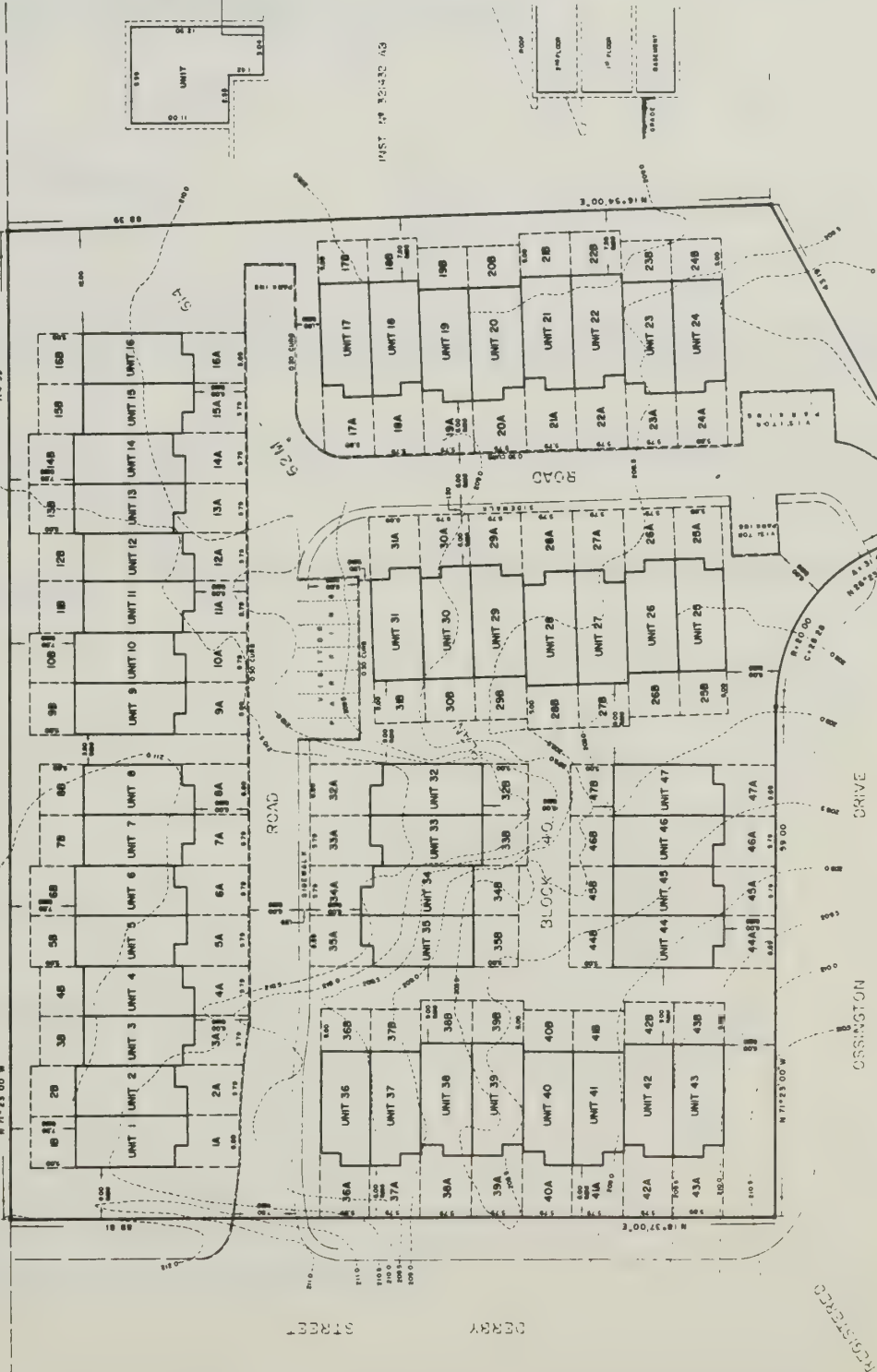
ITEMS ARE	DATE	TOTAL AREA	REMARKS
OF THE PROPERTY	1989	1.074 Ha	5.0 ACRES
OF THE IMPROVEMENTS	1989	1.074 Ha	5.0 ACRES

NOTE
1. THE PLAN IS A DRAFT PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THE PURPOSES OF THE PLANNING ACT.

RYMAL ROAD EAST (ROAD ALLOWANCE BETWEEN TOWNSHIPS BARTON AND GLAMFORD)

DEPOSITED PLAN N 770 MISC

PART 1 PLAN 62R-1255



NOTE: THIS PLAN IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

7c.

FOR ACTION

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 15, 1990

COMM FILE:

DEPT FILE: SA-89-32
25CDM-89028

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

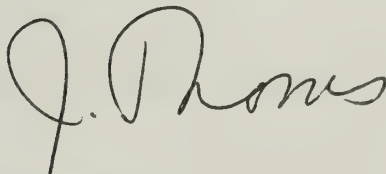
SUBJECT:

Proposed Draft Plan of Condominium.

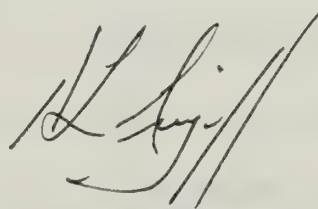
RECOMMENDATION:

That approval be given to Application SA-89-32, T. Valeri Construction Limited, owner, to establish a draft plan of condominium located at the south-west corner of Rymal Road East and Derby Street, subject to the following conditions:

- (1) That this approval apply to the plan prepared by J. D. Barnes Limited, dated October 10, 1989, showing 50 townhouse units.
- (2) That the owner agree, in writing, to satisfy the financial requirements with the Regional Municipality of Hamilton-Wentworth.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: T. Valeri Construction Limited, Hamilton, Ontario.

Surveyor: J. D. Barnes Limited, Hamilton, Ontario.

Location:

The lands, comprising 1.164 ha, are located at the south-west corner of Rymal Road East and Derby Street, in the Broughton East Neighbourhood, City of Hamilton.

PROPOSAL:

The owner proposes to establish a 50 unit townhouse development within 7 buildings as a condominium project.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Zoning - the lands are zoned "E-2" (Multiple Dwellings) District. The proposal complies.

Neighbourhood Plan - the lands are designated for "attached housing". The proposal complies.

Niagara Escarpment - the lands are not within the Development Central Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Transportation
- o City of Hamilton Board of Education
- o City Traffic Department
- o City Building Department
- o Ontario Hydro, Union Gas, Bell Telephone

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Information:

- (1) Sanitary and storm sewers and watermains are available on the abutting streets for servicing the subject lands.
- (2) There are no road widenings required for this property.

- (3) The Region's subdivision agreement for "Lillian Heights - Phase 1" provides for the payment of all service costs.

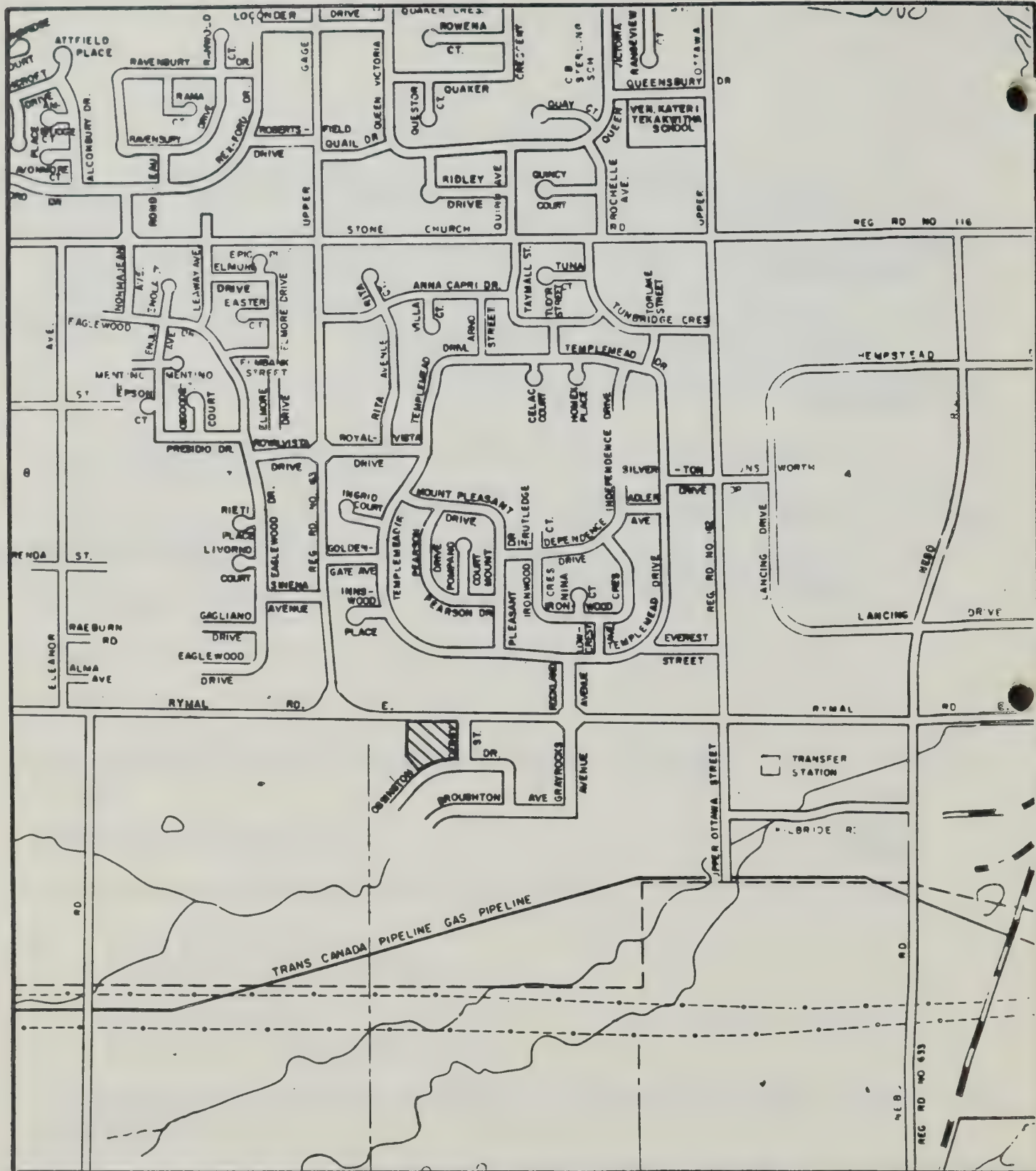
Recommendations:

- (1) The Subdivider is to satisfy the Region's financial requirements in regards to Development charges prior to the release of the Final Plan of Condominium".

COMMENTS:

- (1) The conformity of the proposal with the Official Plans and Zoning By-law is noted.
- (2) No objection has been submitted toward the proposal.
- (3) The development is regulated through Site Plan Control Application DA-89-13 and, subsequently, through the building permit process.

JCS/II
P&DReport
SA-89-32



Location Plan For

**DRAFT PLAN OF CONDOMINIUM OF
BLOCK 41
LILLIAN HEIGHTS (PHASE I)
REGISTERED PLAN 62M-614
CITY OF HAMILTON**

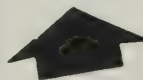
**Regional Municipality of Hamilton-Wentworth
Planning and Development Department**

Legend



PROPOSED CONDOMINIUM

North

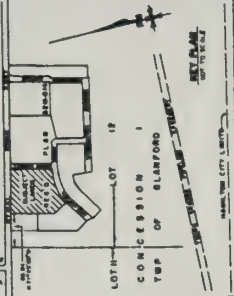


Scale
1" = 1000'

Date
DEC. 6, 1989

Reference File No.
25CDM-89028

Drawing No.



UNITED USE	DATE	TOTAL AREA	PLANNED
CONDOMINIUM	1999	1000 sq. ft.	41 SPACES

NOTE: 1. ALL INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE OWNER AND THE SURVEYOR.

DRAFT PLAN OF CONDOMINIUM OF BLOCK 41 LILLIAN HEIGHTS (PHASE II) REGISTERED PLAN 62M-614 CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH SCALE 1:500 J. D. BARNES LIMITED - 1999

METRIC

MEASUREMENTS SHOWN ON THIS PLAN AND IN THE FIELD MAY BE CONVERGED TO FEET BY DIVIDING BY 0.3048.

THESE PLANS AND THE INFORMATION CONTAINED THEREIN ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF J. D. BARNES LIMITED.

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).

CONDOMINIUM ACT, R.S.O. 1990, CHAPTER 66, SECTION 26(1) AND 26(2).



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UNIT 3

UNIT 4

UNIT 5

UNIT 6

UNIT 7

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UNIT 251

FOR ACTION

7d.

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 15, 1990
COMM FILE:
DEPT FILE: SA-89-33
25CDM-89029

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

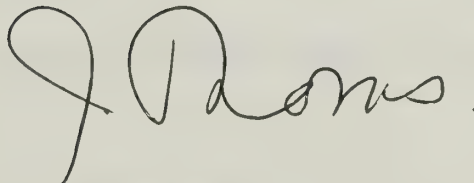
SUBJECT:

Proposed Draft Plan of Condominium.

RECOMMENDATION:

That approval be given to Application SA-89-33, T. Valeri Construction Limited, owner, to establish a draft plan of condominium located at the north side of Ossington Drive, subject to the following conditions:

- (1) That this approval apply to the plan prepared by J. D. Barnes Limited, dated October 10, 1989, showing 20 townhouse units.
- (2) That the owner agree, in writing, to satisfy the financial requirements with the Regional Municipality of Hamilton-Wentworth.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: T. Valeri Construction Limited, Hamilton, Ontario.

Surveyor: J. D. Barnes Limited, Hamilton, Ontario.

Location:

The lands, comprising 0.537 ha, are located on the north side of Ossington Drive, in the Broughton East Neighbourhood, in the City of Hamilton.

PROPOSAL:

The owner proposes to establish a 20 unit townhouse development within 3 buildings as a condominium project.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Zoning - the lands are zoned "RT-10" (Townhouse) District. The proposal complies.

Neighbourhood Plan - the lands are designated for "attached housing". The proposal complies.

Niagara Escarpment - the lands are not within the Development Central Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Transportation
- o City of Hamilton Board of Education
- o City Traffic Department
- o City Building Department
- o Ontario Hydro, Union Gas, Bell Telephone

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Information:

- (1) Sanitary and storm sewers and watermains are available on the abutting streets for servicing the subject lands.
- (2) There are no road widenings required for this property.

- (3) The Region's subdivision agreement for "Lillian Heights - Phase 1" provides for the payment of all service costs.

Recommendations:

- (1) The Subdivider is to satisfy the Region's financial requirements in regards to Development charges prior to the release of the Final Plan of Condominium".

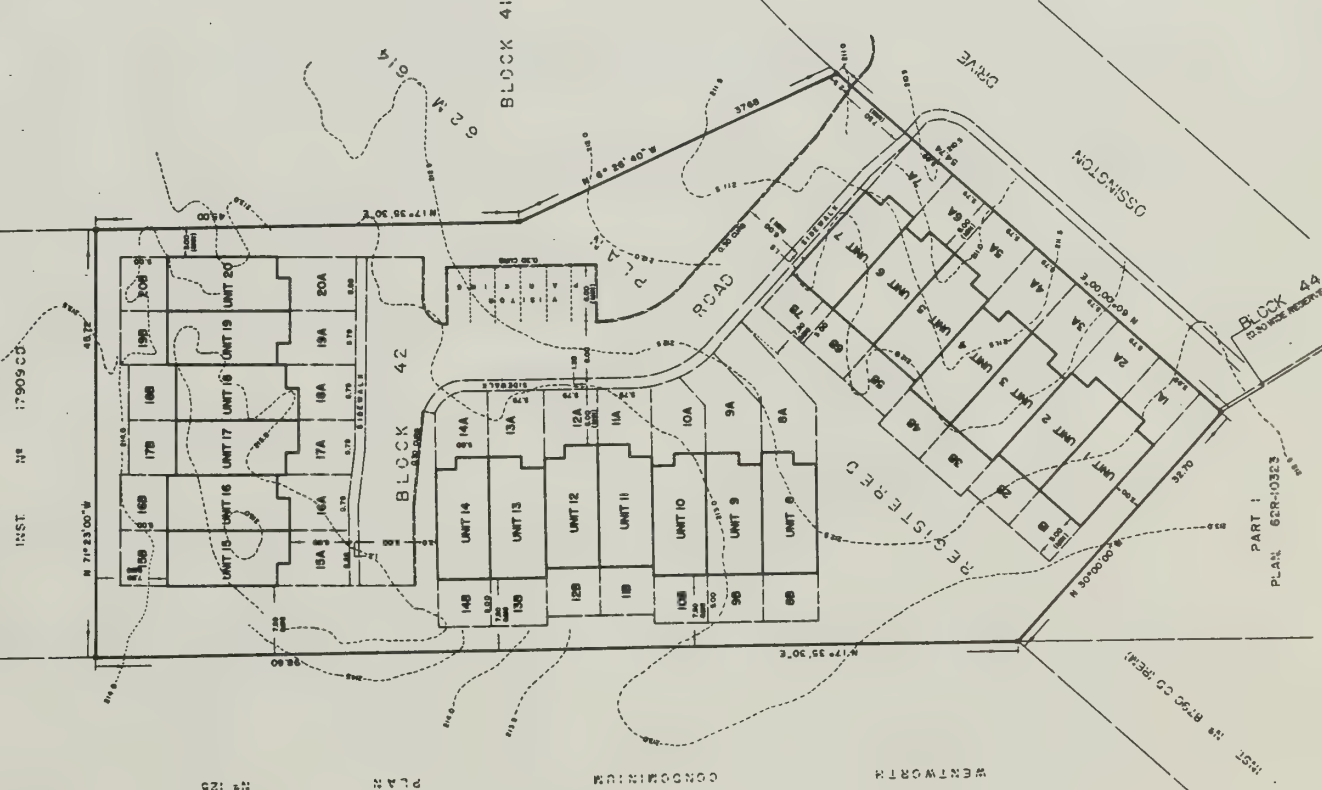
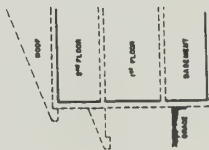
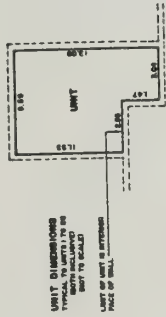
COMMENTS:

- (1) The conformity of the proposal with the Official Plans and Zoning By-law is noted.
- (2) No objection has been submitted toward the proposal.
- (3) The development is regulated through Site Plan Control Application DA-89-77 and, subsequently, through the building permit process.

JCS/II
P&DReport
SA-89-33

APPROVED USE	DATE	APPROVED	REMARKS
NO RESIDENTIAL UNITS	1989	0.0000 ha	NO RESIDENTIAL UNITS

NOTE: ALL INFORMATION SUBJECT TO CHANGE. THIS PLAN IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.



DRAFT PLAN OF CONDOMINIUM OF
BLOCK 42
LILLIAN HEIGHTS (PHASE I)
REGISTERED PLAN 62M-614
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH
SCALE 1:500
J. D. BARNES LIMITED - 1989

METRIC

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OWNER'S CERTIFICATE
I, the undersigned, being the owner of the property described in the above plan, do hereby certify that the same is a true and correct copy of the original plan as filed in the office of the Registrar of Titles.

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the above plan is a true and correct copy of the original plan as filed in the office of the Registrar of Titles.

J. D. BARNES LIMITED
1000 SHEPPARD AVENUE EAST
SUITE 100
SCARBOROUGH, ONTARIO M1S 1B7
CANADA

J.D. BARNES
SURVEYING
LAND INFORMATION SERVICES
OFFICE OF ONTARIO
REGISTRAR OF TITLES
1000 SHEPPARD AVENUE EAST
SUITE 100
SCARBOROUGH, ONTARIO M1S 1B7
CANADA
TEL: (416) 291-1111
FAX: (416) 291-1112

FOR ACTION

7e.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1990 JANUARY 15
COMM FILE:
DEPT FILES: SA-89-31
25CDM-89027

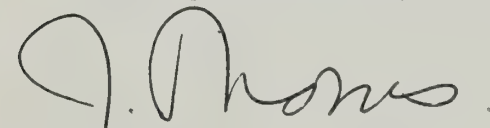
SUBJECT

Proposed Plan of Condominium

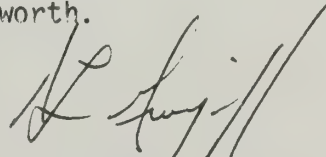
RECOMMENDATION

That the approval apply to application SA-89-31 "Stone West Village", West Highland Management Limited, owner, to establish a draft plan of condominium located on the north easterly corner of West 5th Street and Stone Church Road, subject to the following conditions:

1. That this approval apply to the plan prepared by J. D. Barnes, O.L.S. dated October 30, 1989 showing 71 Townhouse Units.
2. That the owner convey the 5.18m road widenings on West 5th Street and Stone Church Road and the daylight triangle to the Regional Municipality of Hamilton-Wentworth.
3. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

West Highland Management Ltd., Hamilton, Ontario

Agent

A. Wellenreiter, Hamilton, Ontario

Surveyor

J. D. Barnes Ltd., Hamilton, Ontario

Location

The lands, comprising 1.64ha. are located at the north easterly corner of West 5th Street and Stone Church Road, in the Kernighan Neighbourhood, City of Hamilton.

Proposal

The owner is in the process of constructing 71 Townhouse Units within 9 buildings as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Area". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Attached Housing". The proposal complies.

Zoning - the lands are zoned "RT-20" (Townhouse & Maisonette) District. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Transportation;
- o Ministry of the Environment (subject to standard conditions);
- o Ministry of Natural Resources;
- o Hamilton Region Conservation Authority;
- o Ontario Hydro, Union Gas and Bell Telephone.

The Hamilton-Wentworth Department of Engineering submitted the following comments and recommendations:

- "1. Public watermains are available on West 5th Street and Stone Church Road to service the proposed development.
2. Public storm and sanitary sewers are available within an easement which runs along the north limit of the site and on West 5th Street.
3. The grading elevations and entrance grades interfacing Stone Church Road and West 5th Street shall be set so that they are compatible with the future road grades and cross sections.

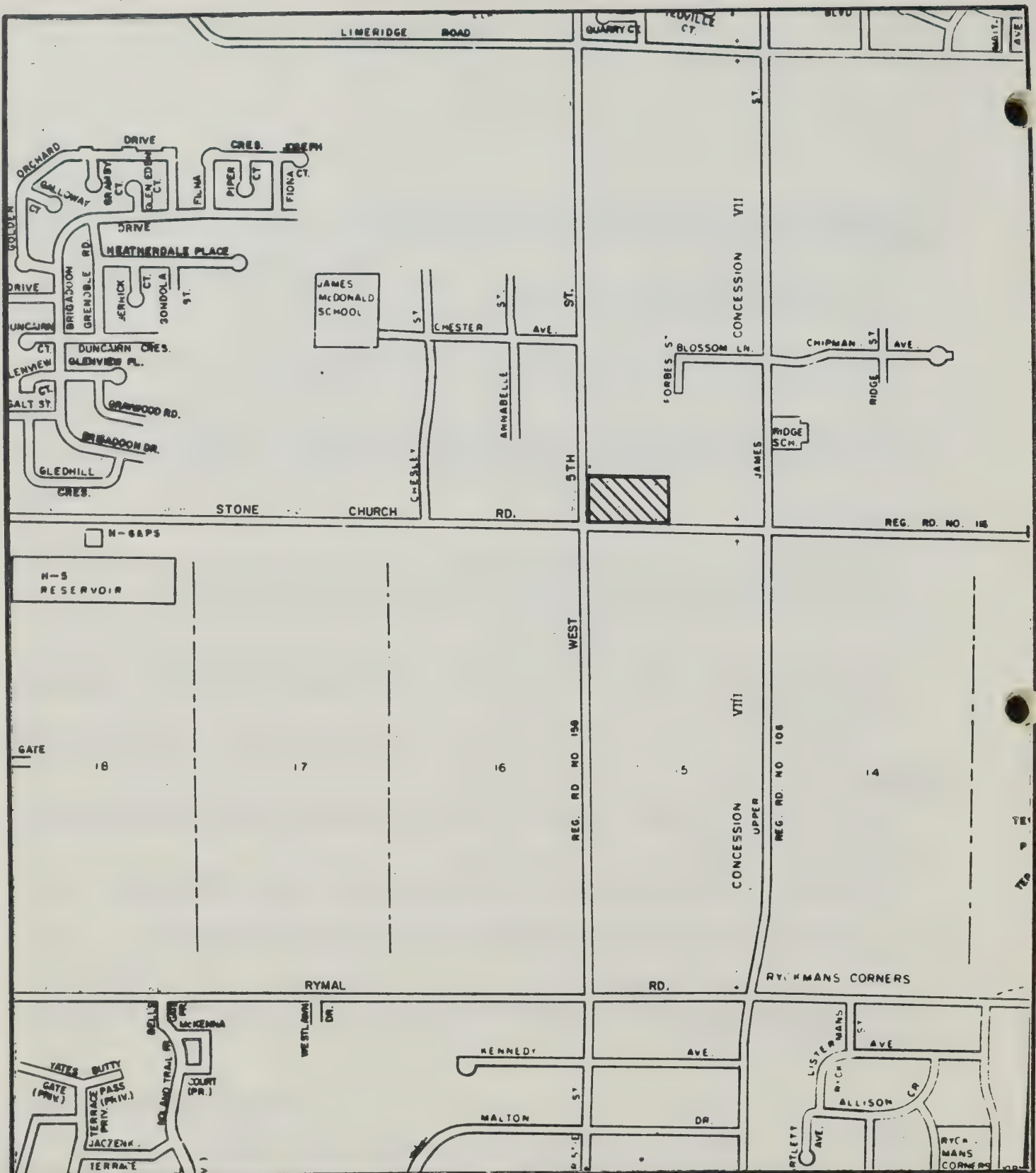
Recommendations:

1. The owner must dedicated the proposed 5.18m road widenings along West 5th Street and Stone Church Road to the Region, as well as the required daylight triangle at the southwest corner of the property.
2. The owner is to satisfy the Region's financial requirements, in regards to levies and servicing costs, prior to the release of the Final Plan of Condominium.

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner received Site Plan approval under DA-89-63 on October 12, 1989.
4. The requirement of the Ministry of the Environment can be implemented through the condition of Draft Approval by the Regional Municipality of Hamilton-Wentworth.

JLS/jd



Location Plan For

DRAFT PLAN OF CONDOMINIUM OF

LOT 2
MARGARET MACKAY SURVEY
REGISTERED PLAN No. 427
IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

1" = 1000'

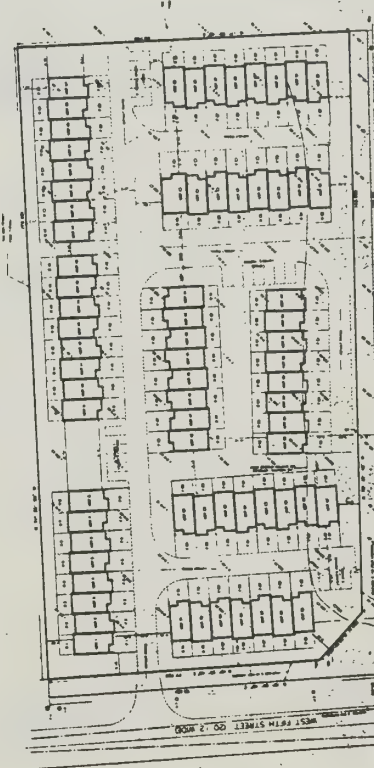
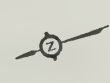
Reference File No.

25CDM-89027

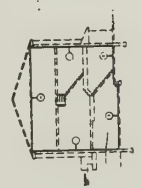
Date

DEC. 6, 1989

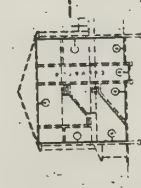
Drawing No.



STREET FRONT (WEST) SIDE TO 1/2" = 100'



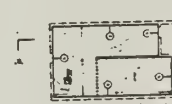
TYPICAL CROSS SECTION A-A



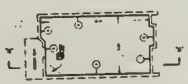
HANDICAP LIFT A-B CROSS SECTION B-B



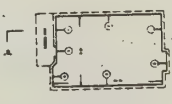
TYPICAL GROUND FLOOR PLAN



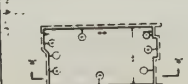
HANDICAP LIFT A-B GROUND FLOOR PLAN



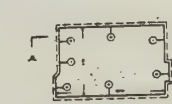
TYPICAL SECOND FLOOR PLAN



HANDICAP LIFT A-B SECOND FLOOR PLAN



TYPICAL THIRD FLOOR PLAN



HANDICAP LIFT A-B THIRD FLOOR PLAN

8.

FOR ACTION

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 11, 1990
COMM FILE:
DEPT FILE: R.P.L.C. 58

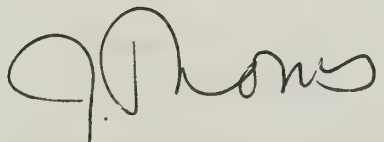
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

By-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138, inclusive, and Block 140 of Registered Plan 62M-639.

RECOMMENDATION:

- (1) That the City of Hamilton adopt the attached by-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138, inclusive, and Block 140 of Registered Plan 62M-639.
- (2) That the City Solicitor be directed to check and submit the attached by-law to the Council of the City of Hamilton.
- (3) That the Region be requested to approve the by-law removing part-lot control on the above noted lots and block of Registered Plan 62M-639.
- (4) That the by-law be repealed within 6-months of the date of its registration.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND:

Owner: Lillian Heights Development Inc., Hamilton, Ontario

Agent: Agro, Zaffiro, Parente, Orzel & Baker, Hamilton, Ontario

Surveyor: A. J. Clark and Assoc. Ltd., Hamilton, Ontario

Location:

The lands are located south of Rymal Road East and east of Upper Gage Avenue in the Broughton East Neighbourhood, City of Hamilton. The lands are part of Lillian Heights, a plan of subdivision which was registered in part as R.P.M-639.

BACKGROUND:

The applicant wishes to establish maintenance easements for the small size lots (zero lot line) within this plan of subdivision. The maintenance easements would establish a right for future property owners to use the easements for the maintenance of these properties.

COMMENTS:

Removal of "part-lot control" is a measure provided under The Planning Act expressly to permit the establishment of minor divisions of land without having to obtain approval of each individual parcel by the Land Division Committee, thereby eliminating the need for a number of separate applications.

Once the reference plan showing the minor divisions has been registered and the deeds for the lots are registered with the adjoining property owners, part-lot control should be re-established. The Planning Act allows the City of Hamilton to repeal "part-lot control" by-laws without further approval of the Regional Council.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered by the City Clerk in the Land Titles Office.

JCS/II
Attach.
P&DReport
RPLC-58.JCS

The Corporation of the City of Hamilton

BY-LAW NO.

To remove part-lot control from Lots 1 to 30,
53 to 67, 69 to 138, inclusive, and Block 140
Registered Plan 62M-639

WHEREAS Subsection 7 of Section 49 of The Planning Act, 1983, Chapter 1, provides as follows:

- (7) Despite subsection (5), the council of a municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land,

AND WHEREAS Subsection 5 of Section 49 of The Planning Act establishes part-lot control of land within a registered plan of subdivision;

AND WHEREAS authority to approve by-laws enacted under Subsection 7 of Section 49 of The Planning Act was delegated to the Council of the Regional Municipality of Hamilton-Wentworth by O. Reg. 443/75.

AND WHEREAS it is desirable to exempt certain lands from part-lot control.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

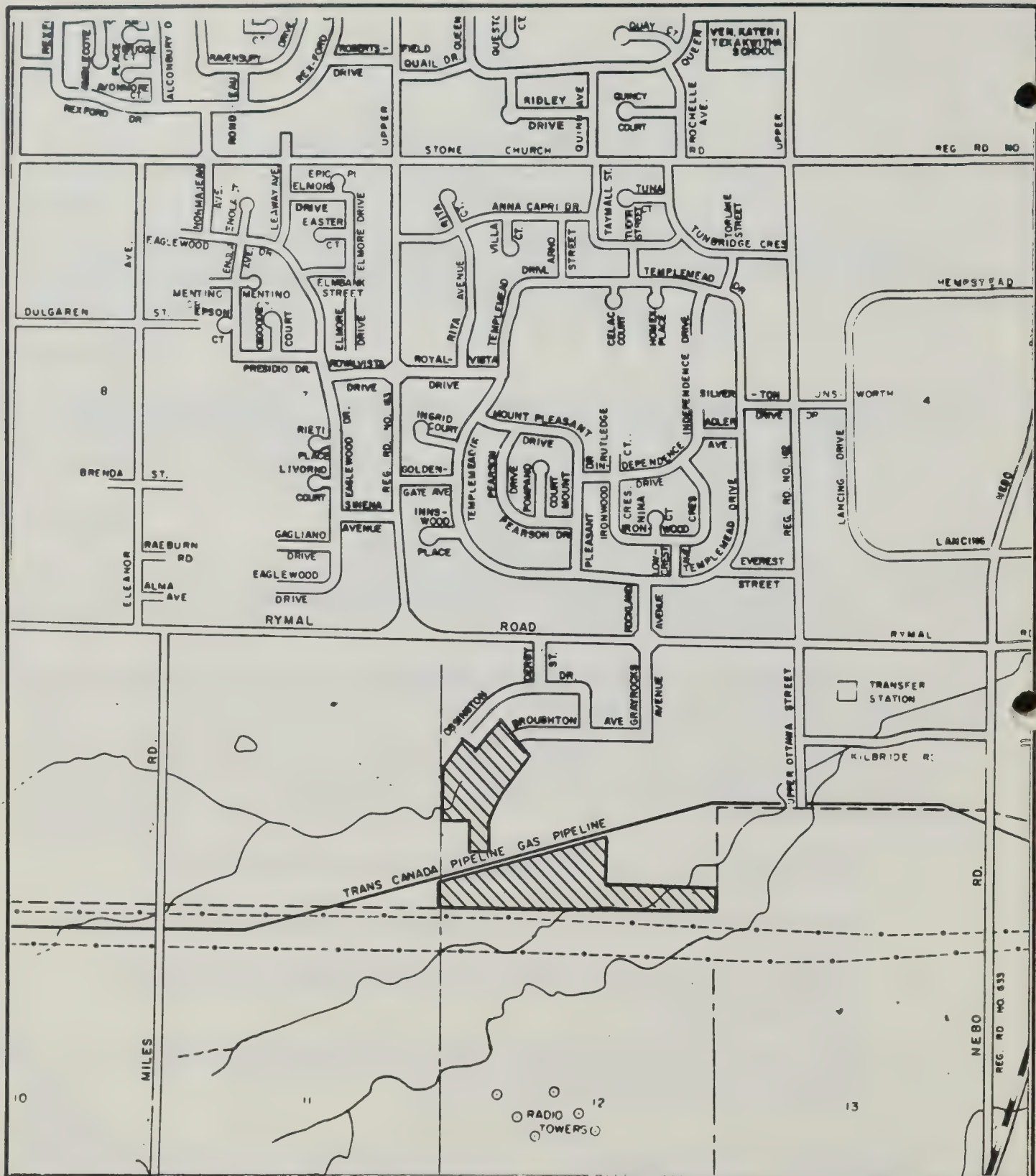
- (1) Subsection 5 of Section 49 of The Planning Act, 1983, Chapter 1, shall not apply to the following lands:

Lots 1 to 30, 53 to 67, 69 to 138, inclusive, and Block 140 as included in R. P. No. 62M-639, registered on the 5th day of December, 1989.

PASSED this day of A. D. 19 .

City Clerk

Mayor



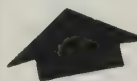
Location Plan For

Legend



R. P. L. C. NO. 58

North



Scale

N. T. S.

Reference File No.

R. P. L. C. NO. 58

Date

JAN. 11, 1990

Drawing No.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

PLAN 62R-10814

RECEIVED AND DEPOSITED
DATE 1989 12 20

McMurray
LAND SURVEYOR FOR THE LAND TITLES
DIVISION OF ONTARIO (14-88)

I INCLUDE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT

DATE DECEMBER 14, 1989
George Imre
REGISTERED SURVEYOR

PARTS 1 TO 108 INCLUSIVE - PART OF
BLOCK PLAN 1, SECTION 62M-639
SUBJECT TO EASEMENT AS SET OUT IN
PLAN 62M-639 AND EASEMENT
BY INSTRUMENT 620996-1

SCHEDULE			
PART	LOT	PART	LOT
1	2	56	81
2	3	57	82
3	4	58	83
4	5	59	84
5	6	60	85
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7	7	62	87
8	8	63	88
9	9	64	89
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M-639

257-79018

PLAN 62M-639

Approved under Section 50 of the Planning Act
by the Commissioner of Planning and Development
of the Regional Municipality of
Hamilton
on the 14th day of November 1983
in accordance with the provisions of the
Planning Act, R.S.O. 1979, c. 309
and the Planning Act, R.S.O. 1979, c. 309
as amended.

THIS PLAN OF SUBDIVISION
was prepared by the
Surveyor General of Ontario
and is subject to the
provisions of the
Survey Act, R.S.O. 1979,
c. 431, and the
Survey Act, R.S.O. 1979,
c. 431, as amended.

PLAN OF: Lillian Heights phase two

PART OF LOT 12 - CONCESSION 1 - GEOGRAPHIC TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-BENTWORTH

SCALE
1" = 100'

AS 19th Nov. 0.4.5. 1983

Surveyor's Certificate

I, the undersigned, being a duly qualified Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan of subdivision as filed in my office.

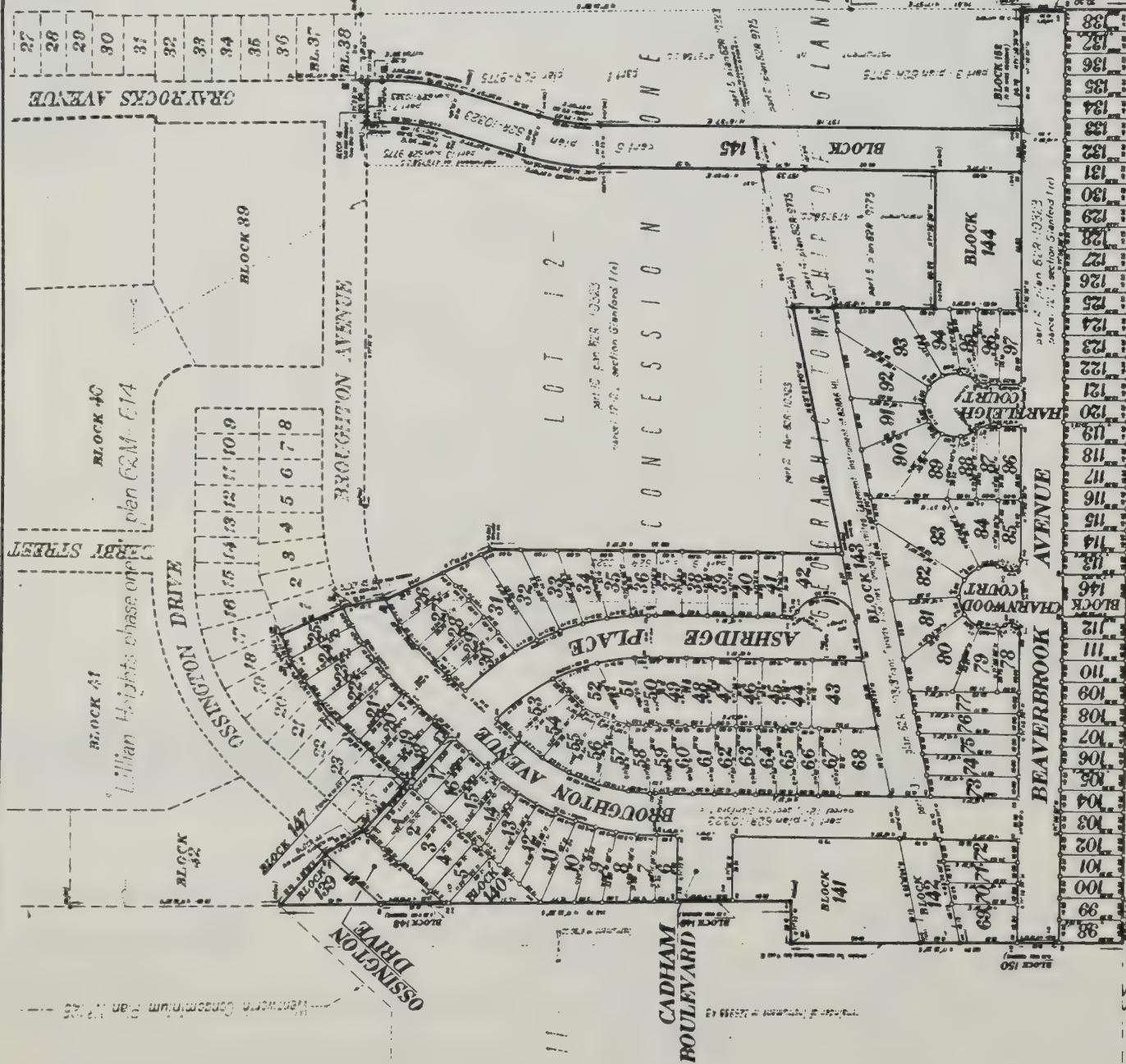
Surveyor
Glanford

Surveyor's Certificate

I, the undersigned, being a duly qualified Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan of subdivision as filed in my office.

Surveyor
Glanford

Block	Lot	Area	Owner	Notes
138	1	0.10	Hamilton	
138	2	0.10	Hamilton	
138	3	0.10	Hamilton	
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138	150	0.10	Hamilton	



TOWNSHIP OF GLANFORD

Surveyor's Certificate

I, the undersigned, being a duly qualified Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan of subdivision as filed in my office.

Surveyor
Glanford

FOR ACTION

9.

REPORT TO:

SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM:

J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 December 29

COMM FILE:

DEPT FILES:

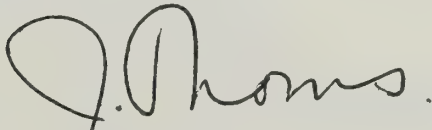
SA-83-02
25T-83004

SUBJECT

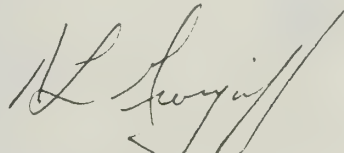
Extension of Draft Approval for "Wisemount Forest Survey" Subdivision

RECOMMENDATION

That the Region be requested to grant a one year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

S. Wise Construction Limited

History

Wisemount Forest Survey - Lisgar Neighbourhood

Draft approved November 14, 1983, for 140 lots for single-family dwellings, 8 lots for semi-detached dwellings, 3 blocks for apartments (approximately 403 units) and one block for townhouses (approximately 90 units).

Stage 1 registered in May 1987, for 7 lots for single-family dwellings and 8 lots for semi-detached dwellings.

Phase 4 registered in July 1988, for 13 lots for single-family dwellings.
Phase 5 registered in October 1989, for 10 lots for single-family dwellings.
Extended in 1986, 1987 and 1988.

Present lapsing date February 14, 1990.

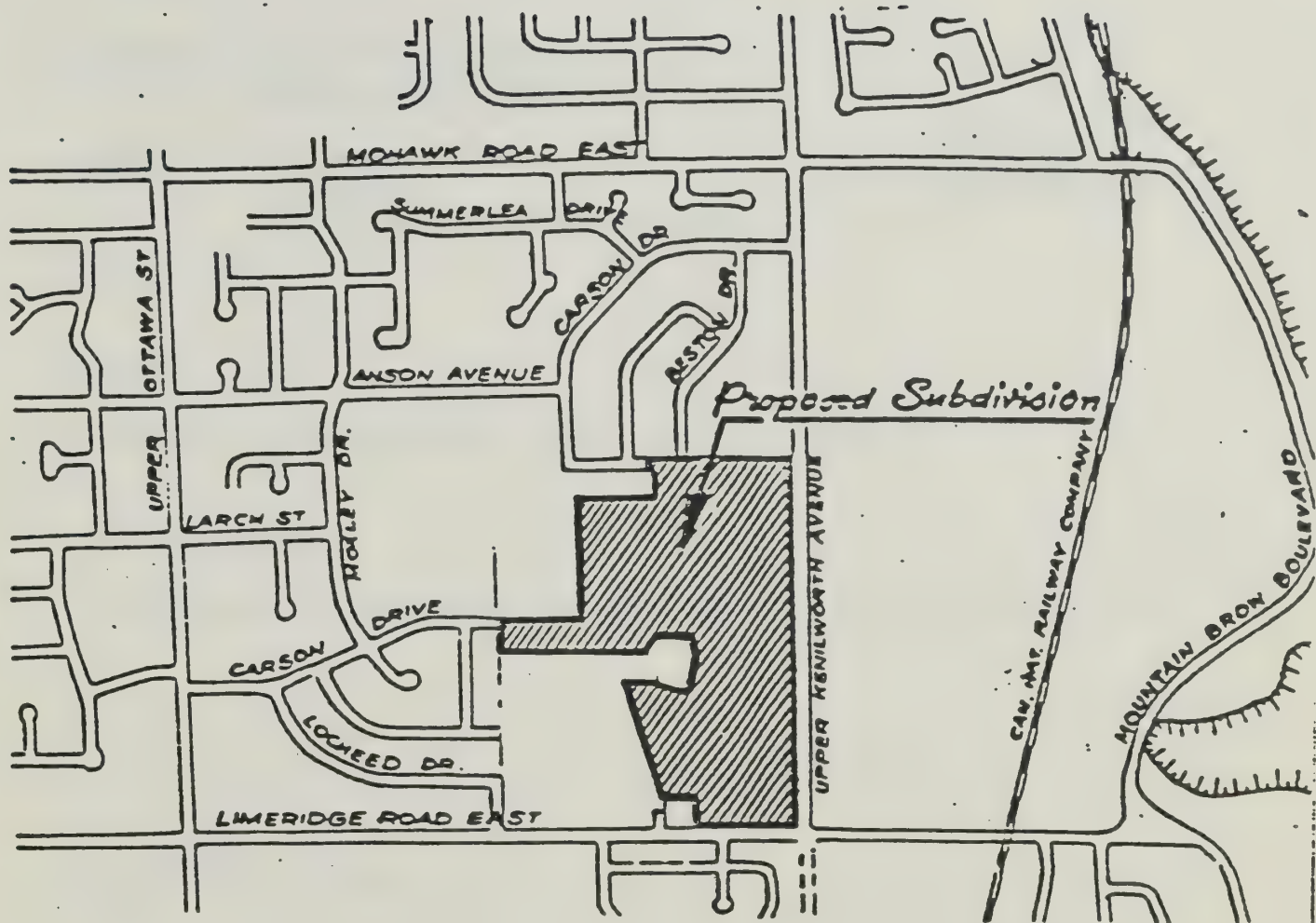
Requesting a further extension for an unspecified period on the basis that the owner will be registering the next phase in the near future.

CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension should be supported on the basis of the usual extension of one year.

CMD/fd
WPDoc 0239P.68



Location Plan For

WISEMOUNT FOREST SURVEY-PHASE 3

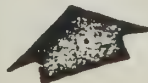
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1:12,000

Reference File No.

25T-83004

Date

83-03-03

Drawing No.

83-H-25

FOR ACTION

10.

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

FROM: J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

DATE: January 17, 1990

COMM.FILE:

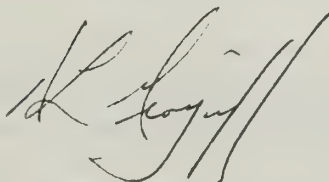
DEPT.FILE: P5-4-7-9

SUBJECT

James Mountain Road Reconstruction Proposal - CAPIC Comments

RECOMMENDATION

That the attached report be forwarded to the Regional Engineering Services Committee.



A. L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND

The Engineering Services Committee are meeting on January 29, 1990 to discuss the reconstruction of James Mountain Road.

CAPIC has concerns about the reconstruction of the road and are requesting its delay until its function can be assessed in the light of the city wide transportation context.

Due to time restraints, it is suggested that the item be referred to Engineering Services Committee rather than through City Council.

lu
DG/dkp

A:\CAPIC.LET



CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

FOR ACTION

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

FROM: Charles Forsyth, Chairman
Central Area Plan Implementation Committee

DATE: January 17, 1990
COMM.FILE:
DEPT.FILE: P5-4-7-9

SUBJECT

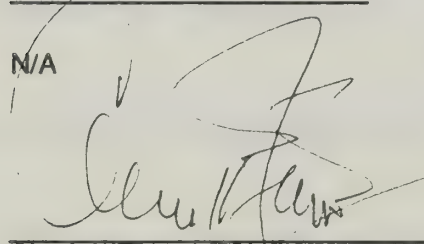
James Mountain Road Reconstruction Proposal

RECOMMENDATION

- o That the proposed reconstruction of James Mountain Road be delayed until such time as a study assessing the proposed improvements in the overall context of City-wide transportation needs is carried out.
- o That special design attention be paid to aesthetic and environmental quality of James Mountain Road within its Niagara Escarpment setting.
- o That this report and attachments be forwarded to the Regional Engineering Services Committee in time for their January 29, 1990 meeting.

FINANCIAL IMPLICATIONS

N/A



Charles Forsyth, Chairman
Central Area Plan Implementation Committee

BACKGROUND

On January 29, 1990, the Regional Engineering Committee will consider a staff proposal to upgrade James Mountain Road. The proposed improvements would ensure the structural integrity of the roadway and would require widening the road, installation of storm drainage and retaining structures. This work would require the expropriation of some property from adjacent land owners.

CAPIC, through the Planning and Development Department, wishes to draw the attention of the Engineering Services Committee to its concerns over the proposed reconstruction of James Mountain Road.

CAPIC supports the upgrading and reconstruction of the existing road within its existing dimensions to ensure the continued integrity of the highway. We are however, concerned about the upgrading and widening of the road as proposed in document Eng. 89-431. CAPIC argues that this widening is likely to impact on movement between the mountain and the central area. We express our concern that no studies or impact assessments have been carried out (despite being requested) on traffic needs and effects. We do, however, support the proposed slope stabilization study (The Spectator January 12, 1990). Access to and from the mountain seems to be well-served with routes close by and to the east. Further, widening the road is likely to impact on the integrity of the neighbourhood (recommendation 4.4.6 of the Official Plan Amendment) and of the escarpment (4.10.5).

We would also submit that James Mountain Road (along with the Queen Street access) possesses an aesthetic and environmental quality that deserve to be protected and enhanced in the city. Some time ago planning and development staff, under the signature of Mr. Abraham, sent a letter which emphasized this (and other) point(s). We enclose that letter as an aide-memoire for the Committee.

CAPIC is thus seriously concerned about the proposed reconstruction, especially without further study and deliberation. We, therefore, respectfully request that the Planning and Development Committee receive this letter and its enclosure and allow it to be passed to the Engineering Services Committee in time for their January 29, 1990 meeting, at which, by prior invitation, members of CAPIC will be available if further input is required.

MEH/dkp

A:\CAPIC.LET



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

7

Refer to File No. P5-2-41

Attention of

Your File No.

October 10, 1989.

Mr. Stan Spencer,
Commissioner of Engineering,
City Hall.

Attention: Mr. Ted Gill,
 Director of Engineering Planning

Dear Mr. Spencer:

Re: James Mountain Road Reconstruction Project

Further to my letter of September 26, 1989, a meeting was held on October 5, 1989 between representatives of the Planning and Development Department and the Engineering Department to discuss the proposed reconstruction project. In attendance from the Planning and Development Department were David Godley, Mark Hornell and Joe Lakatos; Ted Gill and Tibor Szekely represented the Engineering Department and gave an overview of the proposed design.

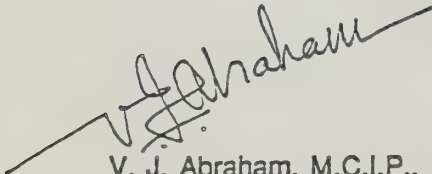
In general, we agree that improvements need to be made to the road to improve sight lines at the top of the escarpment to ensure the structural integrity of the road surface and to carry away storm drainage. In this sense the proposed urban section design has much to recommend it. However, we are concerned with the visual impact of the proposed improvements insofar as they effect the perceptual experience of James Mountain Road.

Currently, James Mountain Road is a narrow (6 metre) road built to rural standards. It fits closely to the escarpment landscape and the narrow paved surface, the overhanging tree canopy, and the loose limestone retaining walls on the upslope side serve to create an intimate roadway that has great scenic quality and complements the heritage values of the Niagara Escarpment environment.

In our view the proposed design, while adequately addressing the structural and safety issues, would detract from the visual characteristics which make James Mountain Road the scenic drive that it is. In particular, the 8 metre paved surface, in combination with additional space for a sidewalk, would appear to significantly alter the intimate scale that is James Mountain Road's chief asset. As well, the proposed gabion box retaining structure on the uphill slope would do nothing to enhance the visual quality of the escarpment.

In conclusion, I would like to suggest that alternative designs be investigated that give greater weight to visual, scenic and experiential qualities as evaluative criteria. I offer the expertise of our Urban Design Section in developing and evaluating a range of roadway design alternatives.

Yours truly,

A handwritten signature in dark ink, appearing to read "V. J. Abraham", written over a horizontal line.

V. J. Abraham, M.C.I.P.,
Director of Local Planning.

VJA/II
DURAND

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Miss Charlene Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 December 11

COMM FILE:

DEPT FILE:

SUBJECT: MACNAB - CHARLES HERITAGE
CONSERVATION DISTRICT

RECOMMENDATION:

- (a) That approval be given to designate by By-law the MacNab - Charles Heritage Conservation District (the block bounded by MacNab Street South, Hurst Place, Charles Street and Bold Street with the exception of 131 Charles Street) under Part V of the Ontario Heritage Act.
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this district designated pursuant to the provisions of the Ontario Heritage Act 1983.
- (c) That City Council adopt by resolution the MacNab - Charles Heritage Conservation District Plan.

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

At LACAC's recommendation, City Council passed a By-law which established the block bounded by MacNab Street South, Hurst Place, Charles Street and Bold Street as an area to be examined for future designation as a Heritage Conservation District under Part V of the Ontario Heritage Act.

Subsequently a background study was prepared which recorded and analyzed the district in terms of its architectural, historical and urban design resources. A study of the relative planning policies was also undertaken.

A steering committee of property owners was then established to meet with Planning Department staff and advise them on the preparation of the MacNab - Charles Heritage Conservation District Plan.

BACKGROUND (Continued)

The MacNab - Charles Heritage Conservation District Plan was prepared to provide a plan of management for the district in the future. The plan addresses a number of issues dealing with architectural conservation, new development, commercial conversion, the adjacent railway and underpass, and potential urban design features.

Both the district designation and the plan were approved by the MacNab - Charles District Steering Committee on 1989 October 23rd with the provision that the property at 131 Charles Street be excluded from the district designation at the owner's request. There is a provision in the plan which encourages and provides the procedure for adding the property at 131 Charles Street to the district at a later date.

The background study and plan have been circulated to the Planning Department and other City Departments for comment.

On 1989 November 15th the Research Sub-Committee voted to recommend approval of the MacNab - Charles Heritage Conservation District designation and plan to LACAC.

FOR ACTION

12.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 11, 1990

COMM FILE:

DEPT FILE: ZA-89-54

Rymal

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

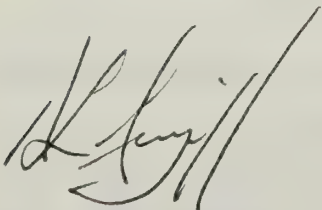
SUBJECT:

Request for a modification in zoning - No. 1527 Upper Ottawa Street.

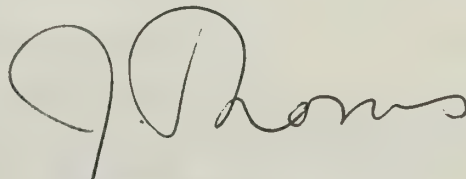
RECOMMENDATION:

That Zoning Application 89-54, Dunston Development Inc., owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a plumbing contractor with accessory offices; a general contractor with accessory offices; and manufacturing of solariums, solarium windows and greenhouses with accessory sales office, for the property located at No. 1527 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The "M-12" District uses are limited to wholesale commercial uses and certain light industrial uses (ie. clothing); whereas, the proposed uses are heavier in nature. In this regard, there are other locations in the Mountain Industrial Area where the proposed uses could more appropriately be located (i.e. "M-14" and "M-15" Districts).
- ii) The uses are not considered to be compatible or in character with the existing and future intended uses in the surrounding area. In addition, it would erode the "M-12" District which provides a buffer between residential uses to the west and heavier industrial to the east.
- iii) Approval of the application would encourage similar applications of this type which, if approved, would undermine the intent of the Zoning By-law and the Mountain Industrial Plan.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

Dunston Development Inc., owner.

LOT SIZE AND AREA:

- o 102 m (334.64 ft.) of lot frontage on Upper Ottawa Street;
- o 86.223 m (282.9 ft.) of lot depth; and,
- o 0.88 ha (2.17 ac.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two industrial buildings	"M-12" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	commercial uses	"M-12" (Prestige Industrial) District
to the south	banquet hall	"M-12" (Prestige Industrial) District
to the east	distribution centers, industrial uses	"M-14" (Prestige Industrial) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District
		"DE-3" (Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" and within Special Policy Area 11 on Schedule "B". The following policies apply:

- "2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
 - ii) Business enterprises such as, but not limited to banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the industries and their personnel;
 - iii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.
- 2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- 2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial-Commercial" in the approved Mountain Industrial Neighbourhood Plan. The proposal does not comply with the intent of the Neighbourhood Plan. A redesignation to "Restricted Industrial" would be required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- o The following Departments and agencies have no comments or objections:
 - Traffic;
 - Building;
 - Regional Police; and,
 - Hamilton Region Conservation Authority.

- o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains, as well as separate storm and sanitary sewers, are available to service the subject lands.

The designated road allowance width of Upper Ottawa Street is 30.48 m (100 feet). We do not anticipate any further road allowance widenings at this time.

Any work within the Upper Ottawa Street road allowance must conform to the Region of Hamilton-Wentworth Road Use By-law.

Due to the number of vertical crest curves, access to the subject land was restricted to certain locations and the grades of the driveways exceeded our normal standard in the interim."

- o The Property Department has verbally advised that they cannot support the proposed change in zoning.

- o The Economic Development Department has verbally advised that they cannot support the application since the uses are inconsistent with other uses in the area.

COMMENTS:

- 1) The proposal does not conflict with the intent of the Official Plan.
- 2) The proposal does not comply with the approved Mountain Industrial Plan. A redesignation from "Restricted Commercial-Industrial" to "Restricted Industrial" would be required.

3) The proposal cannot be supported for the following reasons:

- a) The "M-12" District uses are limited to wholesale commercial uses and certain light industrial uses (ie. clothing); plumbing and construction contractors, which are heavier in nature are permitted in the "M-14" and "M-15" Districts.

The manufacturing of solariums, solarium windows and greenhouses is not permitted in any "M" District, however it has characteristics similar to other manufacturing industries which are explicitly permitted in the "M-14" and "M-15" Districts.

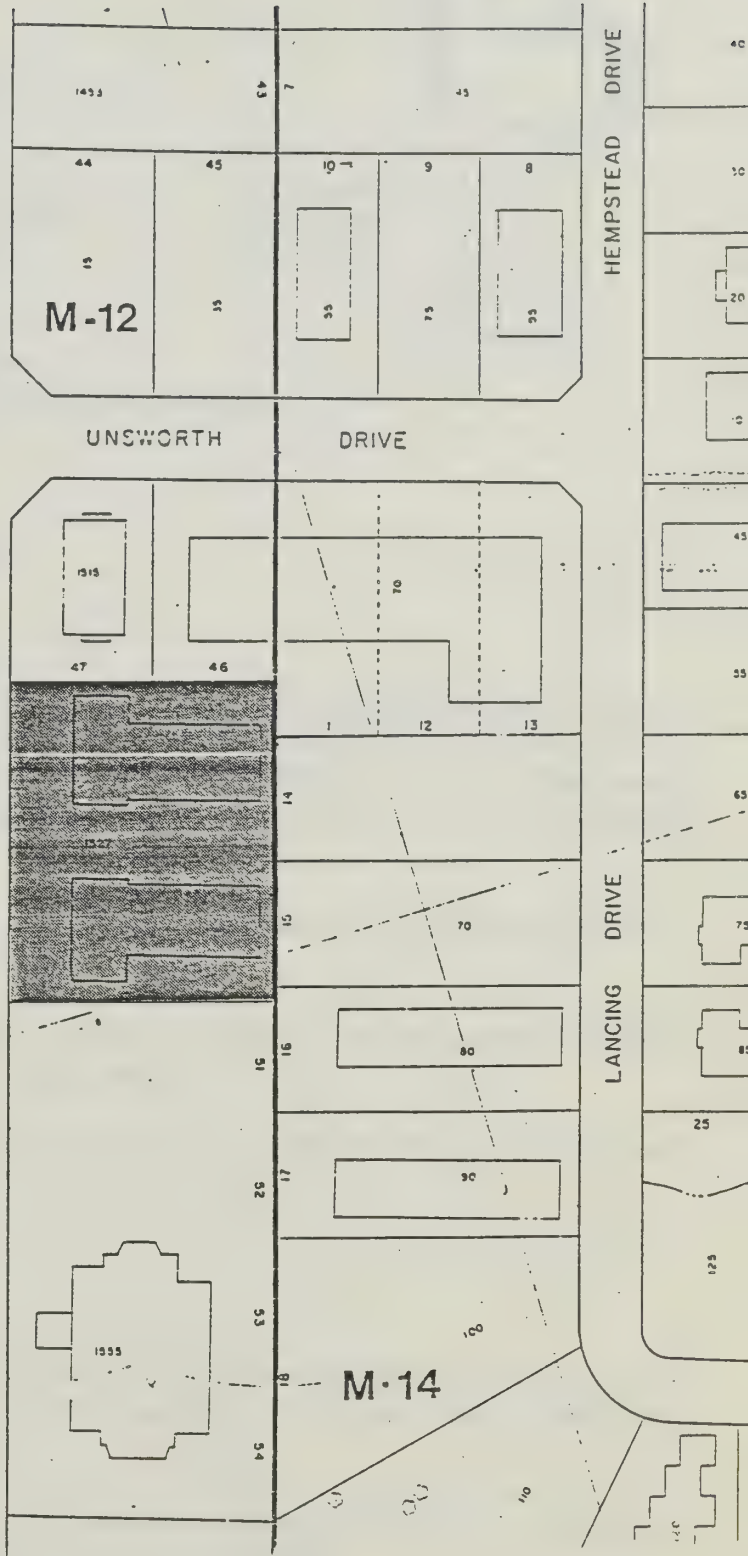
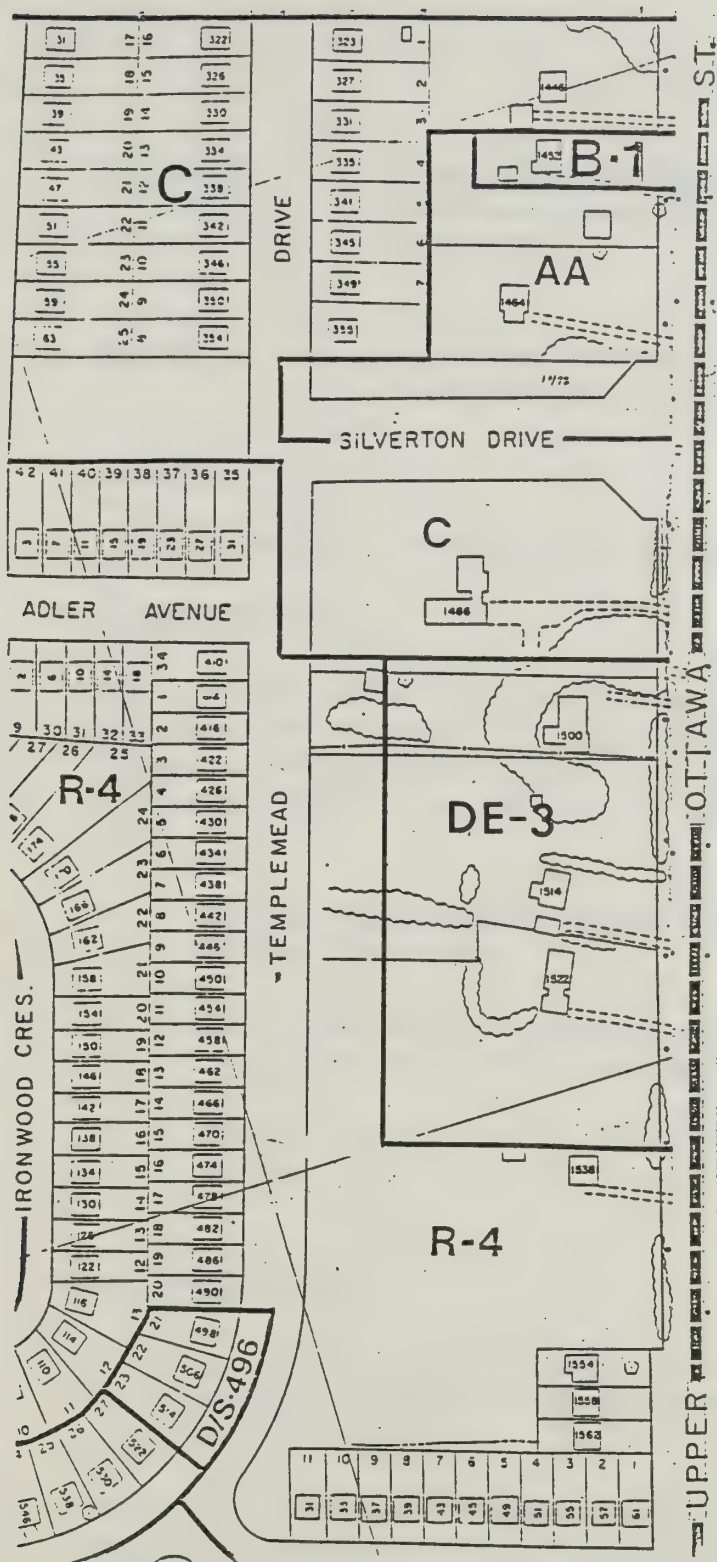
In addition, the "M-12" District provides a buffer between the residential uses to the west and the heavier industrial uses to the east.

- b) The uses are not considered to be compatible or in character with the existing and future intended uses in the surrounding area. Given their need for outside storage, such uses are typically and more appropriately located on the interior of the Industrial Park and not on the periphery of the Park.
- c) Approval of the application would encourage similar applications of this type which, if approved, would undermine the intent of the Zoning By-law and the Mountain Industrial Plan.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA8954



Legend



Site of the Application



FOR ACTION

13.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 9, 1990

COMM FILE:

DEPT FILE: ZA-89-112

Gourley
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Change in zoning - No. 244 Stone Church Road West.

RECOMMENDATION:

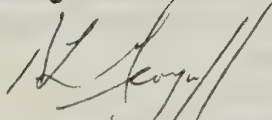
That approval be given to Zoning Application 89-112, Starward Homes Limited, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings by adding these lands to the lands to the west, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council.
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

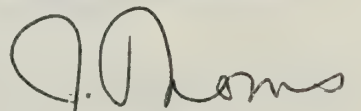
EXPLANTORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the property located at No. 244 Stone Church Road West, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for single-family dwellings by adding these lands to the lands to the west (Orchard Park Plan of Subdivision).



A.L. Georgleff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

Starward Homes Limited, prospective owner.

BACKGROUND:

On August 29, 1989, the applicant received conditional approval from the Land Division Committee to sever the lands and add them to the lands to the west. Final approval is pending:

- the successful completion of the rezoning of the conveyed lands; and,
- the placement of the lands under the same title as those lands to the north.

LOT SIZE AND AREA:

- 20.12 m (66 ft.) of lot frontage on Stone Church Road West;
- 100.58 m (329.99 ft.) of lot depth; and,
- 2,023.67 m² (21,783.3 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant parcel	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District

to the east	single-family dwellings	"AA" (Agricultural) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Housing" in the approved Gourley Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments or objections:
 - Building;
 - Traffic;
 - Regional Police; and,
 - Hamilton Region Conservation Authority.
- The Hamilton-Wentworth Engineering Department has verbally advised that future road widenings will be required.

COMMENTS:

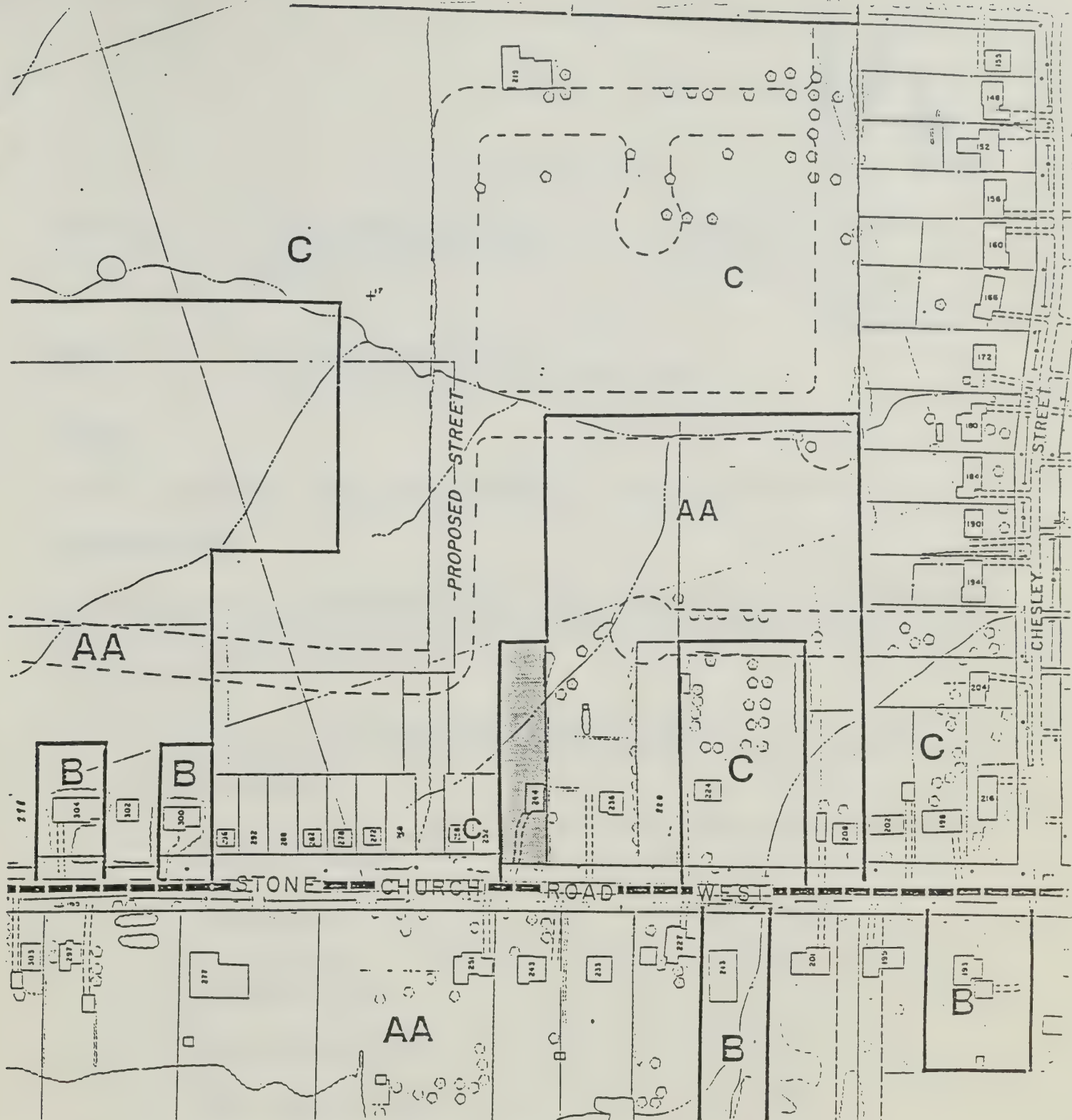
- 1) The proposal complies with the intent of both the Official Plan and approved Gourley Neighbourhood Plan.
- 2) The proposal can be supported for the following reasons:
 - a) it will allow the development of three lots within the Orchard Park Plan of Subdivision;

- b) it is compatible with existing and future proposed single-family dwellings in the area; and,
- c) it implements the intent of the Official Plan and Neighbourhood Plan.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPZA89112



LEGEND



SITE OF THE APPLICATION



14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 10, 1990
COMM FILE:
DEPT FILE: ZA-89-66
Rymal
Neighbourhood

FROM: J.D THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification of zoning - property located at No. 1575 Upper Ottawa Street.

RECOMMENDATION

That approval be given to Zoning Application 89-66, 804907 Ontario Limited, (Ming Sun Holdings Inc.) owner, requesting a modification to the established "M-12" (Prestige Industrial) District, for property located at No. 1575 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 17D(1)(b) of By-law No. 6593 the following COMMERCIAL uses shall be permitted:

<u>Commercial use</u>	<u>S.I.C. Identification</u>
Tire, Battery, Parts and Accessories Store	6342
Garages (General Repairs)	6351
Muffler Replacement Shops	6353
Motor Vehicle Glass Replacement Shops	6354
Motor Vehicle Transmission Repair and Replacement Shops	6355
Other Motor Vehicle Repair Shops	6359
Other Motor Vehicle Services n.e.c.	6399

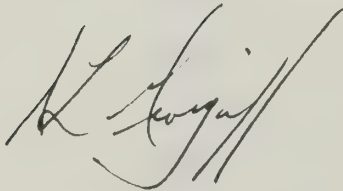
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and
- v) That Mountain Industrial Area Neighbourhood Plan be amended by redesignating the subject lands from "Restricted Industrial/Commercial" to "Restricted Commercial".

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "M-12" (Prestige Industrial) District for property located at No. 1575 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the following additional automotive related commercial uses:

<u>Commercial Use</u>	<u>S.I.C. Identification</u>
● Tire, Battery, Parts and Accessories Store	6342
● Garages (General Repairs)	6351
● Muffler Replacement Shops	6353
● Motor Vehicle Glass Replacement Shops	6354
● Motor Vehicle Transmission Repair and Replacement Shops	6355
● Other Motor Vehicle Repair Shops	6359
● Other Motor Vehicle Services	6399
n.e.c.	



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

The purpose of the zoning modification is to permit the following additional commercial uses within the existing building located at No. 1575 Upper Ottawa Street:

- Tire, Battery, Parts and Accessory Store
- General Repairs Garage
- Muffler Replacement Shop
- Motor Vehicle Glass Replacement Shop
- Motor Vehicle Transmission Repair and Replacement Shop
- Other Motor Vehicle Repair Shop
- Motor Vehicle Service

● Development Application

At its meeting held on July 29, 1988 the Planning and Development Committee considered and approved Development Application 88-45 pertaining to approval of a site plan for the development which proposes three individual structures on an "L" shaped site at the north-east corner of Rymal Road East and Upper Ottawa Street. The rezoning involves only the most northerly portion of the site in question.

APPLICANT

804907 Ontario Limited, (Ming Sun Holdings Inc.), owner.

LOT SIZE AND AREA

- 60.96 m (200.0 ft.) of lot frontage on Upper Ottawa Street;

- 86.255 m (283.0 ft.) of lot depth; and,
- 5,258.1 m² (56,600 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Multi tenancy industrial building	"M-12" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	Banquet Centre	"M-12" (Prestige Industrial) District
to the south	Commercial	"M-11" (Prestige Industrial) District
to the east	Vacant and industrial uses	"M-14" (Prestige Industrial) District
to the west	Single-family dwellings	"R-4" (Small Lot Single-Family Detached) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

Designated "COMMERCIAL/INDUSTRIAL" on Schedule "A" the Land Use Concept Plan of the Official Plan, the proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN

Designated "RESTRICTED INDUSTRIAL/COMMERCIAL" on the approved Mountain Industrial Area Neighbourhood Plan. The proposal does not comply. Approval of the application would require redesignation to "RESTRICTED COMMERCIAL".

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- o The Economic Development Department has advised that:

"Permitting a broader range of uses on this land could have a negative effect on existing developments in the Hamilton Mountain Industrial Business Park currently proceeding in the "M-11" zones. As the applicant was cognizant of the range of uses permitted in M-12 prior to purchasing the land, we cannot support this application."
- o The Hamilton-Wentworth Engineering Department has advised that:

"...watermains as well as separate storm and sanitary sewers are available for this development."
- o To-date, the Real Estate Department has not submitted any comments.

COMMENTS

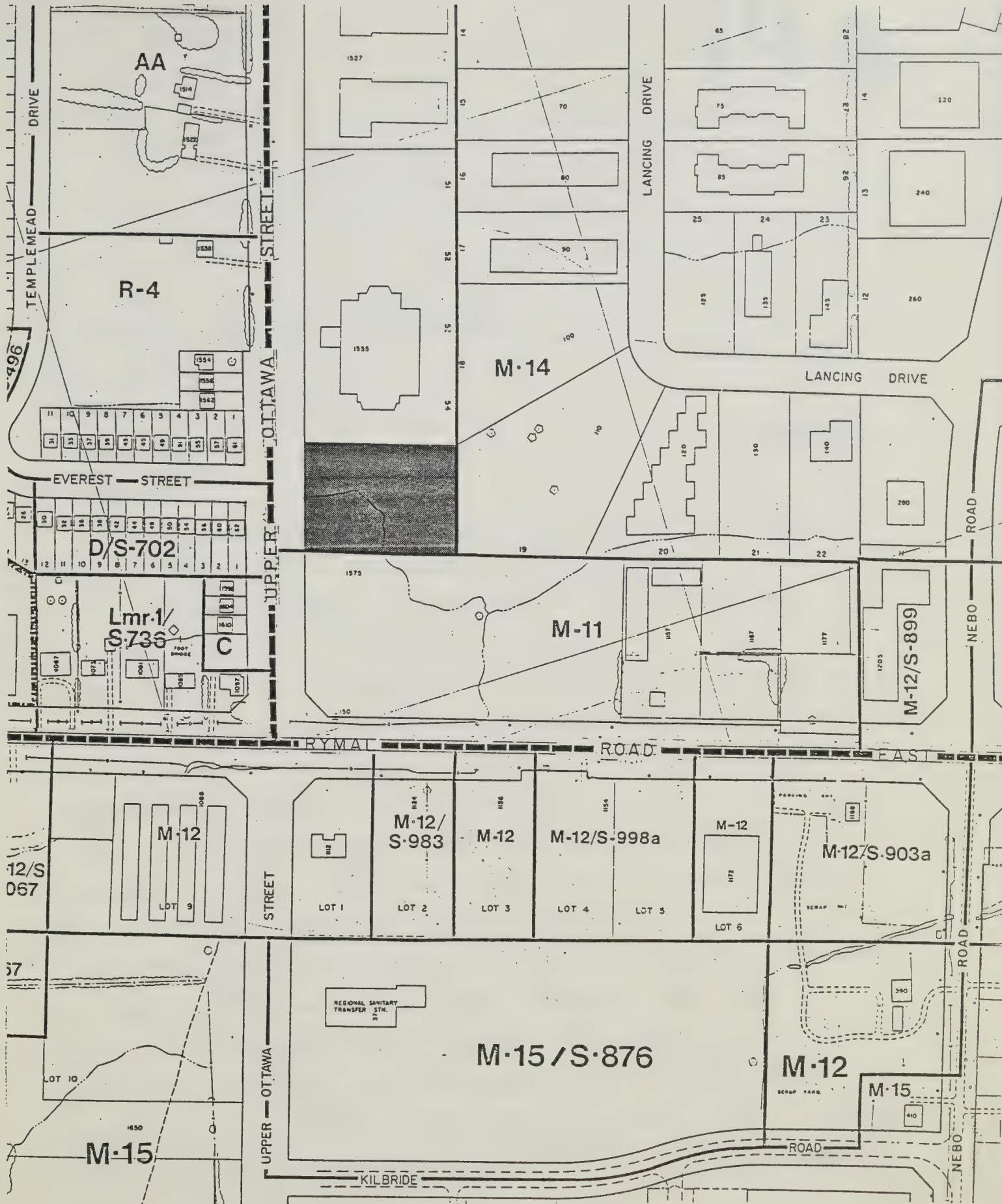
1. The proposal complies with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Mountain Industrial Area Neighbourhood Plan. Approval of the application would require redesignation from "RESTRICTED INDUSTRIAL/COMMERCIAL" to "RESTRICTED COMMERCIAL".
3. The proposal has merit and can be supported for the following reasons:
 - o the proposed automotive related uses represent service industrial type uses in addition to catering to the motoring public;
 - o the proposed uses would complement other types of commercial uses currently permitted on the southerly portion of the applicants adjoining site located within the "M-11" (Prestige Industrial) District;
 - o the proposed uses would also complement other approved automotive related uses situated in the area around the intersection of Upper Ottawa Street and Rymal Road East;
 - o City Council is on record of supporting similar auto-related uses as being proposed on the subject lands (e.g. ZA-87-57 - 1160 and 1172 Rymal Road East; ZA-87-117 - 1060 Rymal Road East; ZA-89-40 - 1124 - 1136 Rymal Road East).

4. As previously noted in the Background Section of this report a Site Plan has already been approved for this development. Any changes to the site plan as a result of this rezoning application would necessitate a revised site plan application for the approval of the Planning and Development Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

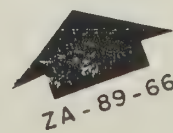
GAW/ma
WPZA8966



LEGEND



SITE OF THE APPLICATION



14a.

61 Everest Street

Hamilton, Ontario

L8W2J5

January 15 - 1990.

Secretary - Planning Committee

Hamilton City Hall

Hamilton, Ontario

JAN 18 1990

ZA89-66

Dear Sir -

Regarding changes in zoning from Prestige Industrial at 1575 Upper Ottawa Street.

I am strongly opposed to a change in zoning for the following reasons.

① There are already a number of automotive condominiums in existence or about to be built in the immediate area that will be selling automotive parts and services.

② There are now three service stations within a few hundred yards of each other that sell gas, oil and other services.

③ This area was zoned as prestige industrial. 1575 Upper Ottawa is directly across the street from a large residential area. Building a automotive service center at this address will only increase various types of pollution - traffic noise, litter and possibly PCB's. Please don't expose us to this.

④ A change of zoning from the Prestige Industrial to allow for an automotive service center will result in a reduction of property values.

⑤ In the short time we have lived in this area there have been a number of changes in zoning made. The area at 1575 Upper Ottawa has been designated as prestige industrial. Please don't change it.

Yours truly
Phyllis Fitzgerald.

FOR ACTION

15.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 15, 1990

COMM FILE:

DEPT FILE: ZA-89-84

Crerar

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - property located at No. 1314 Upper Wentworth Street.

RECOMMENDATION

That approval be given to an amended Zoning Application 89-84, 518374 Ontario Ltd., (Angelo Papastamos) owner, for a modification to the established "AA" (Agricultural) District to permit conversion of the existing building from a legal non-conforming auto-body business to a retail variety store on the first floor and business and professional persons offices on the second floor, for property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;

a) That notwithstanding Section 7A(1), the following uses shall be permitted:

Commercial Uses only within the Existing Building:

1. a retail variety store;
2. business and professional person's office.

Accessory Use:

1. For each establishment, a window sign or an outdoor advertising or other sign of the kind known as a wall sign, of an area of not more than 2.5 square metres (26.91 square feet), not overhanging a highway and not extending more than 5.0 metres (16.40 feet) above grade or more than 1.0 metres (3.28 feet) above the top of the first storey of the building to which the same is attached, whichever is the higher, provided that not more than one such sign shall be permitted facing each street upon which each establishment abuts; and provided further that no such sign shall be illuminated otherwise than by non-flashing indirect lighting.

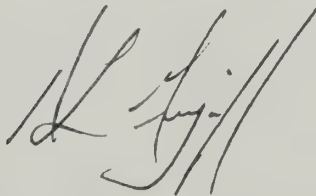
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18C be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That By-law No. 79-275 as amended by By-law No. 87-223 establishing Site Plan control be amended by adding the lands shown on the attached map marked as APPENDIX "A" to Schedule "A".

EXPLANATORY NOTE

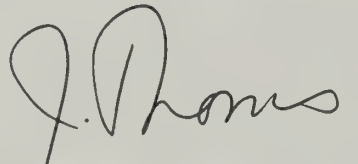
The purpose of this By-law is to provide for a modification to the established "AA" (Agricultural) District regulations for property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit conversion of the existing building from that of a legal non-conforming auto-body business to a retail variety store on the ground floor and, business and professional offices on a second floor. The height of the building is such that it would lend itself to the introduction of a second floor.

In addition, the By-law provides for accessory signage.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● **Proposed Development**

It is the applicants intention to convert the existing one storey legal non-conforming auto body shop into a two storey building with a retail variety store on the first floor, and business and professional offices on the second floor. The height of the building is such that it would lend itself to the introduction of a second floor.

● **Committee of Adjustment**

At its meeting held on October 27, 1988 the Committee of Adjustment considered Minor Variance Application A-88-244 to permit a change in use from that of a legal non-conforming auto body business, to a neighbourhood shopping centre including uses such as medical offices, pharmacy, neighbourhood variety store, trust company, barbershop, beauty parlour, mini market grocery store, dry cleaning pickup, men's ladies'/children's wear, butcher shop, bakery shop, but excluding a restaurant or donut shop. The application was denied by the Committee for the following reasons:

"The effect of an approval would be to permit a change of use from one use to a multiple of uses that would be located in a shopping centre. Such permission is beyond the jurisdiction of the Committee and should only be accomplished by way of a site rezoning at the discretion of City Council.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act 1983."

The Planning Departments comments submitted in connection with the minor variance application stated, in part, the following:

"The present use is legal non-conforming and it would be desirable that it should cease to exist. It is however, unrealistic to presume that should a change of use not be permitted the operation would cease in the near future.

Although the department would prefer the lands to be eventually used for residential purposes, a change of use to one which is more compatible with existing and proposed residential uses in the surrounding area warrants consideration.

Therefore, should the Committee consider an approval of the relief requested it should be conditional upon the following:

- a) that the development takes place within the existing structure;
- b) that sufficient parking to meet the minimum by-law requirements be provided;
- c) that adequate landscaping, buffering and fencing be provided for the protection of the future residential development to the north, west and south;
- d) that the applicant enter into a Site Plan Control Agreement with the City to be registered on title to regulate development of the site in terms of the above-noted and other possible concerns of the City of Hamilton."

APPLICANT

518374 Ontario Limited (Angelo Papastamos), owner.

LOT SIZE AND AREA

- 45.72 m (150.0 ft.) of lot frontage on Upper Wentworth Street;
- 45.72 m (150.0 ft.) of lot depth; and,
- 2,090 m² (22,500 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	legal non-conforming auto-body shop	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	townhouses	"RT-10" (Townhouse) District
to the south	townhouses	"RT-10" (Townhouse) District
to the west	townhouses	"RT-10" (Townhouse) District

to the east

single-family dwellings

"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - the Land Use Concept Plan of the Official Plan. The following policies would apply:

"A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.27 ...the location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans."

In addition, the following policies (among others) respecting NON-COMPLYING USES would apply.

"A.3.3.1 It is the intent of Council that any existing land use which does not comply with the land use designations shown on Schedule "A" or their related policies should cease to exist over time. Accordingly, such uses will be deemed to be NON-COMPLYING and will be, or remain, zoned for the intended use so that the affected lands may be converted to the use intended by this plan.

A.3.3.4 Notwithstanding Policies 3.3.1 and 3.3.2 above and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING USE in the Zoning By-law, provided that:

- i) It does not aggravate any situation detrimental to adjacent complying uses;

- ii) It does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,
- iii) It does not interfere with desirable development in adjacent areas that are in conformity with this Plan."

On the basis of the foregoing, the proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "LOW DENSITY APARTMENTS" on the approved Crerar Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL". However, in order to maintain the long-term objectives of the plan redesignation is not recommended.

COMMENTS RECEIVED

- The Building Department has advised that:

- "1. A visual barrier fence is required on the west lot line and north lot line.
- 2. There is not sufficient manoeuvring space for the loading space.
- 3. No accessory building (garbage container) can be in the side yard."

- The Traffic Department has advised that:

"The proposed use and preliminary plan for the subject lands were considered under application to the Committee of Adjustment 88:244. Please refer to our letter of 1988 September 20, a copy of which is attached for your information, for our comments regarding this proposal."

The Traffic Departments comments to the Committee of Adjustment were as follows:

"The proposed use of the subject lands would likely be more compatible with the adjacent residential land use than the existing use. However, we recommend that the proposed development be placed under site plan control to ensure that appropriate access, parking and loading are provided and that adequate measures are included to reduce the impact on the adjacent residential development. For the information of the applicant, the loading zone shown on the preliminary plan is unacceptable."

- The Hamilton-Wentworth Engineering Department has advised that:

"public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

It is recommended that sufficient land be dedicated to the Region for road widening purposes to establish the property line 18.29 m (60 feet) from the centreline of the original Upper Wentworth Street road allowance.

We suggest, that if possible, no portion of the existing building should encroach into the widened limits of Upper Wentworth Street. Renovations to the building may be required to achieve this or the owner should enter into an encroachment agreement with the Region. The existing fence within the widened limits of Upper Wentworth Street should be removed. 5 m x 5 m daylight vision triangles are required between the widened street line and the access in which no plant material or objects are to exceed a height of 0.80 m over the centreline elevations of the street."

- The Hamilton-Wentworth Regional Police Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved CRERAR NEIGHBOURHOOD Plan. Taking into consideration the non-conforming aspect of the site in question, and the long-term objectives of the plan to retain the site for "LOW DENSITY APARTMENTS", redesignation of the site would not be appropriate.
3. The present use is legal non conforming and it would be desirable that it should cease to exist. It is however, unrealistic to presume that should a change of use not be permitted the operation would cease in the near future.

Although the department would prefer the lands to be eventually used for residential purposes, a change of use to one which is more compatible with existing and proposed residential uses in the surrounding area has merit and warrents further consideration for the following reasons:

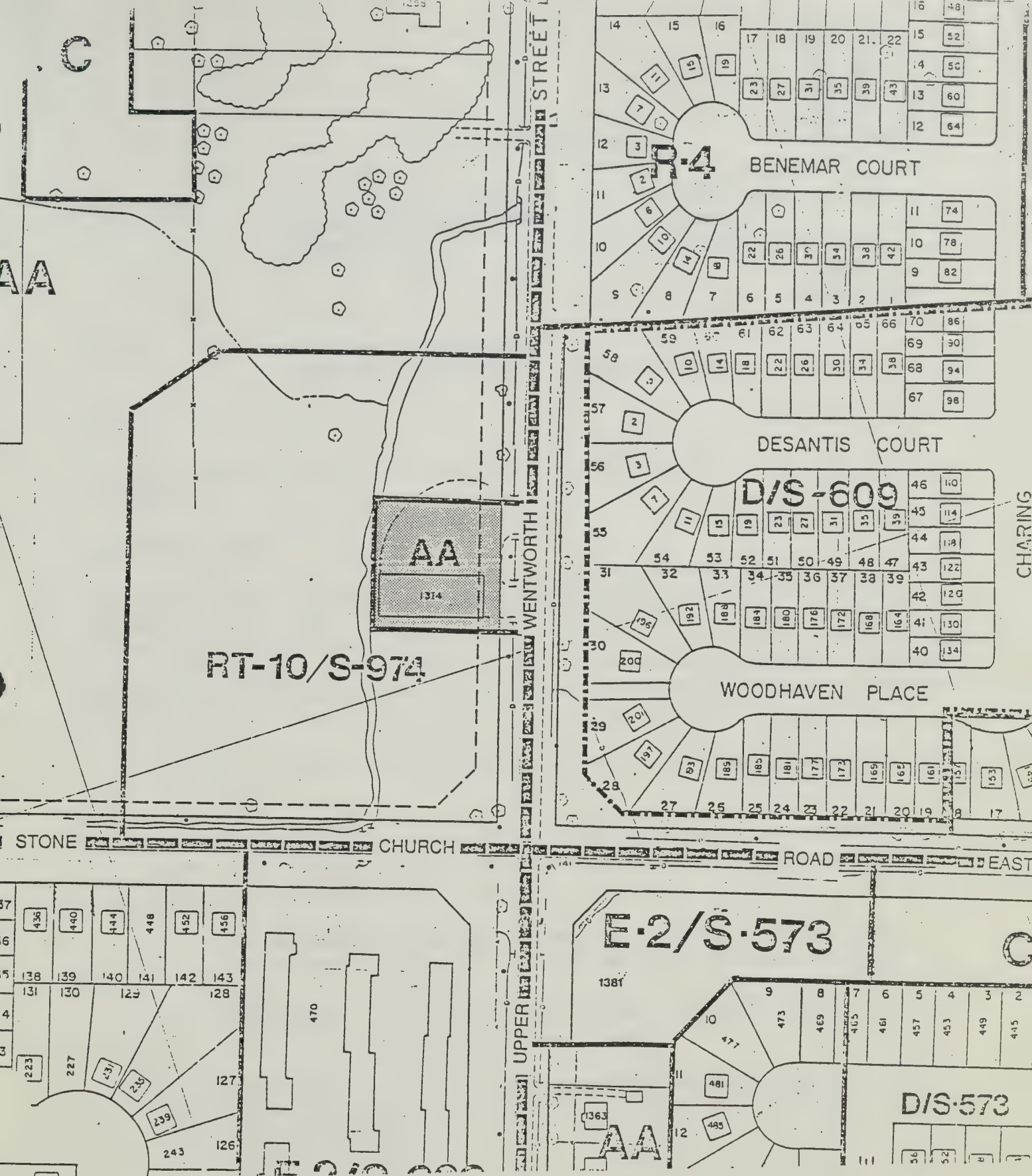
- i) the proposed commercial uses would not conflict with the intent of the Official Plan;

- ii) the existing building is used for an auto-body repair shop which is considered to be a legal non-conforming use, and would be permitted to continue as of right in perpetuity. In this regard, the requested uses would be less offensive and more compatible with surrounding residential development.
 - iii) the renovation and conversion of the existing building would be an improvement over the existing situation;
 - iv) the proposed commercial uses will primarily serve the needs of the adjacent residential neighbourhoods; and
 - v) it is situated on a major arterial road (Upper Wentworth Street).
4. No provision is made for signage under the "AA" (Agricultural) District regulations. Given the "neighbourhood" nature of the proposed commercial uses, it would be appropriate to allow for accessory signage in accordance with the "G-4" (Designed Neighbourhood Shopping Area) District regulations.
5. The "AA" District is not subject to Site Plan Control By-law 79-275 and 87-223. However, it would be appropriate to place the subject lands under Site Plan Control. In this regard, matters such as parking, landscaping, access, grading, etc. will be reviewed at the site plan approval stage of development.

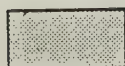
CONCLUSION

On the basis of the foregoing, the application can be supported.

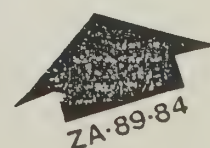
GAW/ma
WPZA8984



Legend



Site of the Application



APPENDIX A

16.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 17, 1990

COMM FILE:

DEPT FILE: ZA-89-102
Lawfield
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

JAN 17 1990

SUBJECT:

Request for a change in zoning - lands on the east side of Upper Sherman Avenue north of Limeridge Road East.

RECOMMENDATION:

That approval be given to amended Zoning Application 89-102, Carmen Chiaravalle and Anthony Iemmelo, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified for lands described as Block "1" and a modification to the "C" (Urban Protected Residential, etc.) District regulations for land described as Block "2", to create four single-family dwelling building lots, for property located on the east side of Upper Sherman Avenue north of Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the "C" (Urban Protected Residential, etc.) District regulations contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" & "2", be modified to include the following as special provisions:
 - a) That notwithstanding Section 9(3) of Zoning By-law No. 6593, no building shall be permitted within 5 metres of the southerly lot line adjoining Limeridge Road East;
 - b) That notwithstanding Section 9(4) of Zoning By-law No. 6593, the most northerly three lots shall have a minimum lot area of 331 m² each;
 - c) Access to Lot 4 (APPENDIX "B") shall be restricted to Limeridge Road East only and shall be approximately 3 m from the easterly lot line and shall be at least 3 m from the daylight triangle; and,
 - d) Access to Lot 3 (APPENDIX "B") shall be on the north limit of the lot to Upper Sherman Avenue.

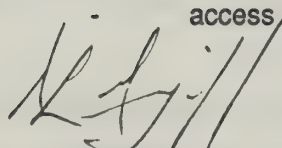
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-38A and E-38B be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-Law No. 6593 and Zoning District Maps E-38A and E-38B for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- vi) That the Lawfield Neighbourhood Plan be amended by redesignating the subject lands from "LOW DENSITY APARTMENTS" to "SINGLE AND DOUBLE RESIDENTIAL".

EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified for lands described as Block "1", and a modification to the "C" (Urban Protected Residential, etc.) District regulations for lands described as Block "2", as shown on the attached key map.

The effect of the proposed change in zoning is to divide the subject land into four (4) building lots for single-family detached dwellings (see APPENDIX "B"). In addition, the By-law provides for the following as special requirements:

- the three northern lots shall have a minimum lot area of 331 square metres each, whereas 360 m² is required;
- no building shall be permitted within 5 metres of the southern lot line (i.e. Limeridge Road East);
- access to the southern lot shall be restricted to Limeridge Road East and shall be at least 3 m from the easterly lot line and at least 3 m from the daylight triangle at the corner of Upper Sherman Avenue and Limeridge Road East; and,
- access to Lot 3 shall be at the north limit of the lot to Upper Sherman Avenue.


A.L. Georgieff, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

The applicants are proposing to create four building lots for single-family dwellings.

- H-211-89 and H-212-89

At its meeting held on October 31, 1989, the Land Division Committee considered the above applications for severance of two lots thereby creating 4 lots on the subject property (see APPENDIX "B").

The Committee approved both applications subject to the following conditions:

- "1. Satisfy ALL requirements of the City of Hamilton including City local improvement charges.
2. Pay a Capital Lot Levy of \$3,970.00 to the Regional Department of Finance.
3. Dedicate to the Regional Municipality of Hamilton-Wentworth sufficient land for road widening purposes (in fee simple, free and clear of all encumbrances and restrictions), as requested by the Regional Engineer.
4. Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcel to the Land Division Committee office, unless exempted by the Land Registrar.
5. Submit proof of final approval of any necessary change of zoning/zoning amendment.
6. Pay required local improvement charges to the Regional Department of Finance."

APPLICANTS

Carmen Chiaravalle and Anthony Iemmelo, owners.

LOT SIZE AND AREA

- 60.96 m (200 feet) of lot frontage on Upper Sherman Avenue;
- 27.24 m (91.01 feet) of lot frontage on Limeridge Road East; and,
- 1,660.55 m² (17,874.6 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses) District modified
to the south	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District
to the west	single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policy, among others, is applicable:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

The proposal does not comply with the approved Lawfield Neighbourhood Plan which designates the land for "LOW DENSITY APARTMENTS". Approval of the application will require a redesignation to "SINGLE

AND DOUBLE RESIDENTIAL" on the Neighbourhood Plan. Upon the redesignation of the land in the Lawfield Neighbourhood Plan, the proposal will comply with the intent of the Official Plan.

COMMENTS RECEIVED

- The following agencies have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Freeway Project Office.

- The Traffic Department has advised that:

"...we have reviewed the application and find it satisfactory. The applicant should be advised that the existing concrete median on Upper Sherman Avenue may restrict access to this roadway to right turn in and right turn out only for a portion of this area. We suggest that the lot at the corner of Upper Sherman Avenue and Limeridge locate their access to the eastern property line on the Limeridge Road frontage".

- The Building Department has advised that:

"Comments in the applicant's letter regarding the lot sizes are correct."

- The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermain and separate storm and sanitary sewers are available to service the subject lands.

For your information, the following conditions will be dealt with under severance application H-211-89 and H-212-89:

- a) sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 feet) from the centreline of the original Upper Sherman Avenue road allowance.
- b) Sufficient lands be dedicated to the City of Hamilton to establish the property line 13.11 m (43 feet) from the centreline of the original Limeridge Road road allowance.
- c) Sufficient lands be dedicated to the Region to establish a 12.19 m x 12.19 m (40' x 40') daylight triangle at the north-east widened angle of Limeridge Road and Upper Sherman Avenue.

For the information of the applicant, we have no record of receiving lands shown as Part 3 on reference plan 62R-5617. In the absence of any details shown, we advise that any works within the widened road allowance or daylight triangle must conform to the respective streets By-laws.

We recommend as a condition of approval that access to Lot 4 be restricted to Limeridge Road and must also be approximately 3.0 m away from the east property line to ensure adequate visibility and the driveway must be at least 3.0 m from the daylight triangle. Also as a condition of approval access to Lot 3 must be at the north limit of the lot to Upper Sherman Avenue.

We also recommend that the building envelope on lot 4 be reduced to indicate a minimum 5 m setback from the widened limits of Limeridge Road.

The applicant should be advised that even with the above noted restrictions, access to Lots 3 and 4 may be restricted at some future date due to the construction of raised concrete median islands on these roadways."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan or the approved Lawfield Neighbourhood Plan. The proposal will comply with the intent of the Official Plan upon the redesignation of the property from "LOW DENSITY APARTMENTS" to "SINGLE AND DOUBLE RESIDENTIAL" on the Lawfield Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the RESIDENTIAL policies of the Official Plan;
 - ii) it would be compatible with the surrounding uses; and,
 - iii) it is consistent with the existing and future planned development in the area.
3. The following variance has been identified:
 - Lot Area

Three of the proposed four lots will not meet the lot area requirements of the "C" (Urban Protected Residential, etc.) District regulations upon the dedication of land to the Region for road widening on Upper Sherman Avenue. The lots will have a minimum lot area of 331.56 m² whereas 360 m² is required under the "C" (Urban Protected Residential, etc.) District regulations. The variance can be supported as the proposed development will integrate with the residential character of the neighbourhood.

4. In keeping with the comments of the Hamilton-Wentworth Engineering Department, the following special provisions should apply:

- Building Setback

The building setback from Limeridge Road East for the southern lot should be consistent with other building setbacks in that section of Limeridge Road East. In conjunction with the comments from the Hamilton-Wentworth Engineering Department, a variance requiring a 5 m setback from Limeridge Road East should be applied.

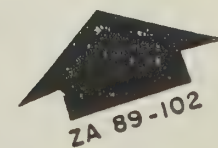
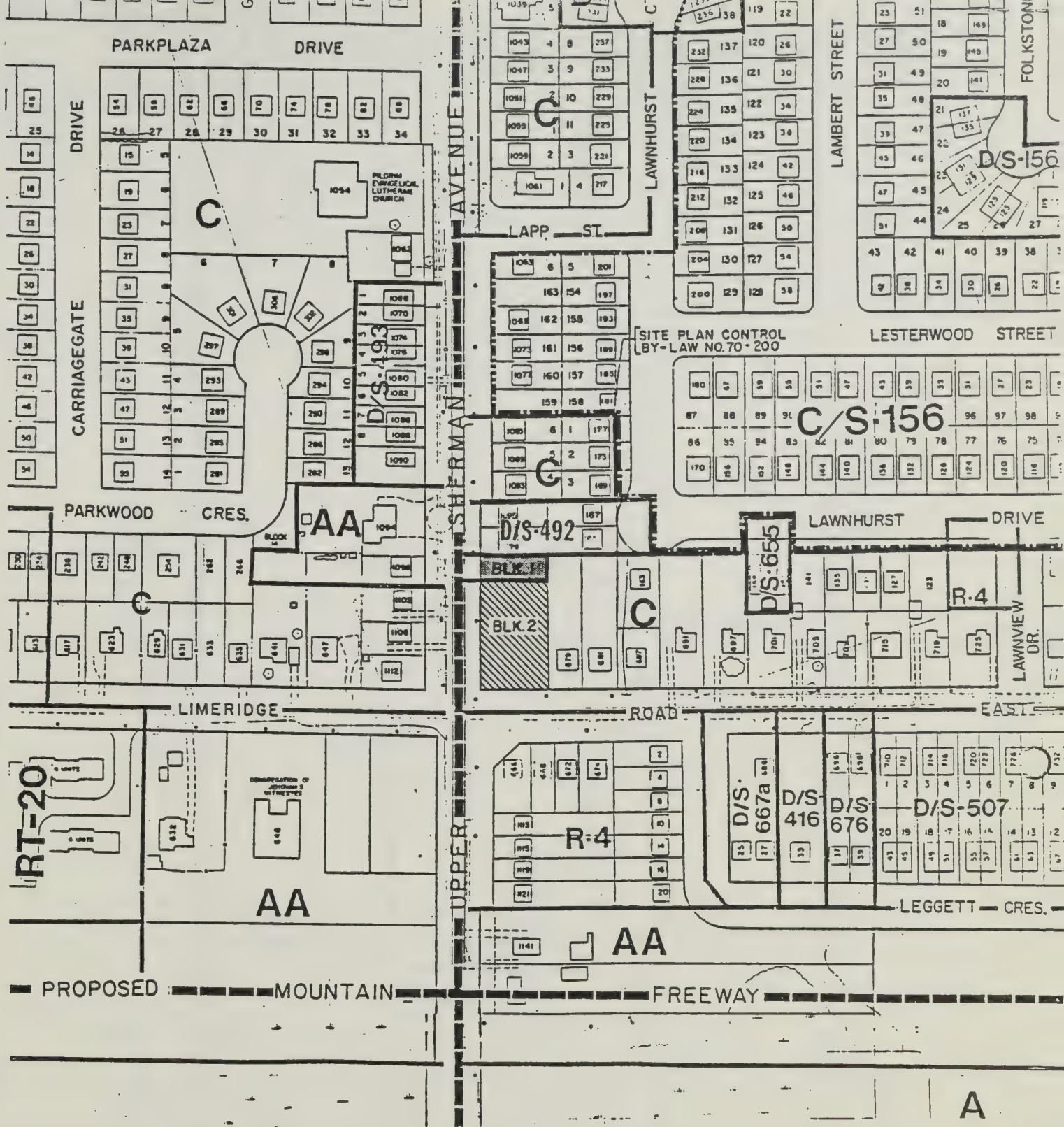
- Access

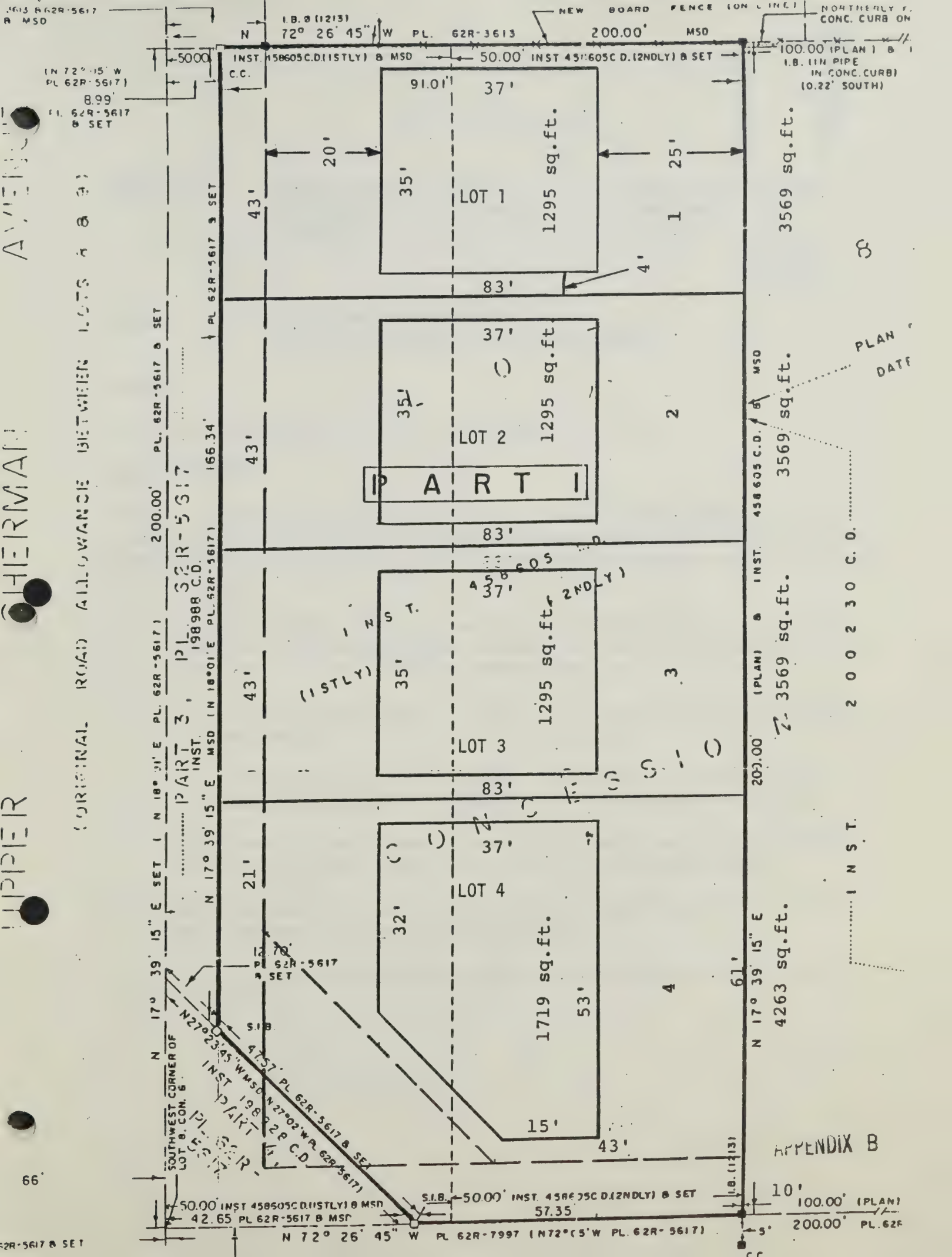
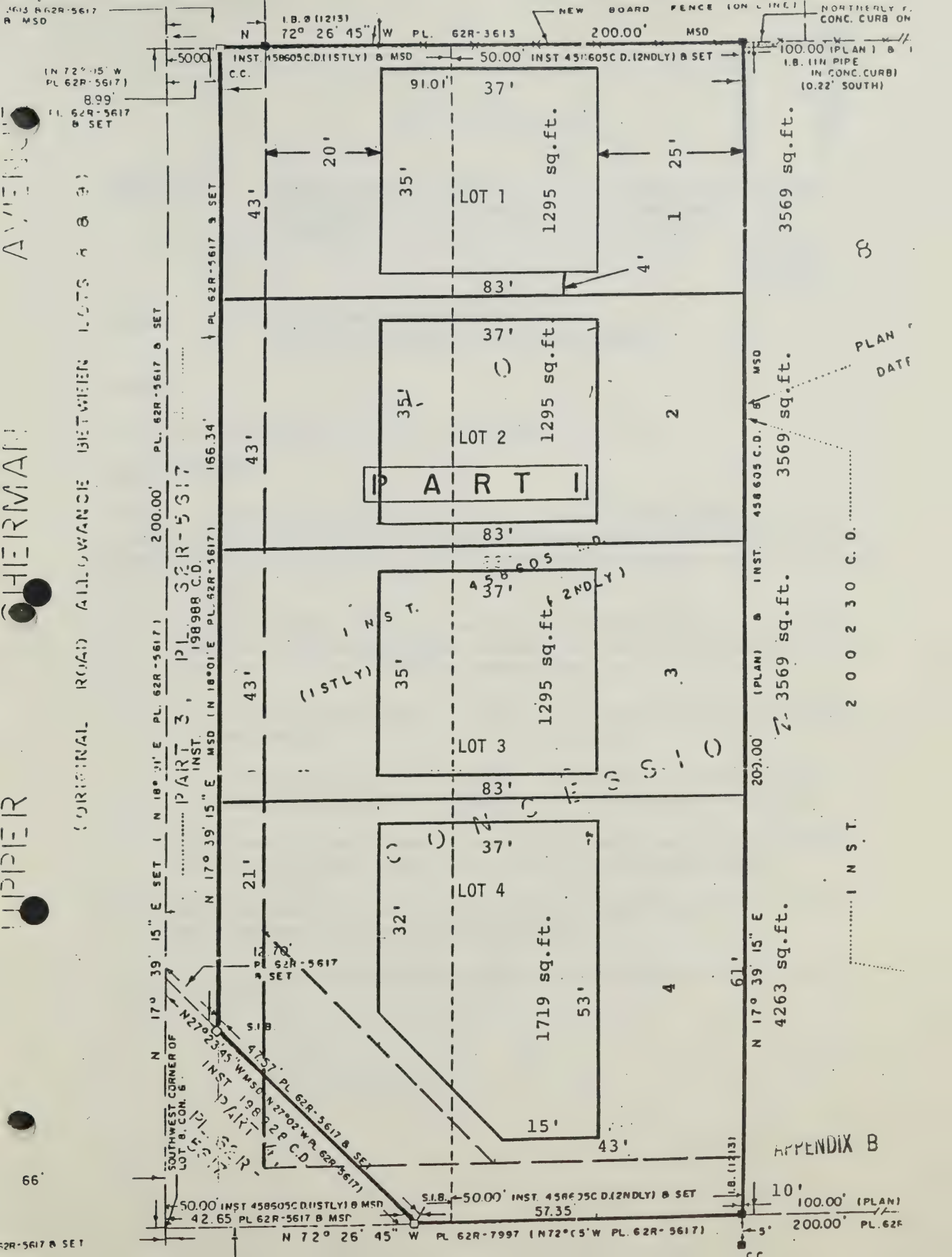
The access driveway for the southern lot should be restricted to Limeridge Road East and should be approximately 3.0 m from the easterly property line and at least 3.0 m from the daylight triangle. The access to lot 3 should be at the northern limit of that lot.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT/ma
WPZA89102





FOR ACTION

17.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 15, 1990
COMM FILE:
DEPT FILE: ZA-89-119
Corktown
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a further modification in zoning - No. 65 Walnut Street South.

RECOMMENDATION:

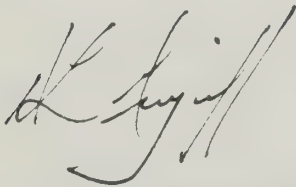
That approval be given to Zoning Application 89-119, Lynn Mitges and Anna McCusker, owners, requesting a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a flower shop and an office, for property located at No. 65 Walnut Street South, as shown on the attached key map marked as APPENDIX "A", on the following basis:

- i) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 85-213, applicable to the subject lands, be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 11A(1)(iii) of Zoning By-law No. 6593, a flower shop shall be permitted;
 - b) That notwithstanding Section 11A(1)(iii)(g) of Zoning By-law No. 6593, the storage of materials shall be permitted and shall occupy no more than one-half the floor area;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-927a, and that the subject lands on Zoning District Map E-5 be notated S-927a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

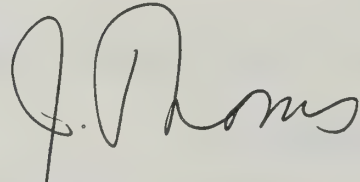
EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at No. 65 Walnut Street South, as shown on the attached map.

The effect of this By-law is to permit a flower shop and office within the existing building. In addition, the by-law provides, as a special provision, that the storage of materials shall occupy not more than one-half of the floor area of the building.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

It is the applicant's intention to set up a flower shop and office within the existing building.

- Zoning Application 85-49

At its meeting held on August 14, 1985, the Planning and Development Committee recommended approval of Zoning Application 85-49, for a change in zoning from "L-mr-2" (Planned Development-Multiple Residential) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit an office for a security company.

City Council, at its meeting held on August 27, 1985, adopted the recommendation of the Planning and Development Committee.

APPLICANTS

Lynn Mitges and Anna McCusker, owners.

LOT SIZE AND AREA

- 10.78 m (35 feet) of lot frontage on Walnut Street South;
- 11.28 m (37 feet) of lot depth; and,
- 121.57 m² (1,308.63 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	office and residential	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
<u>Surrounding Lands</u>		
to the north	single-family residence	"L-mr-2" (Planned Development - Multiple Residential) District
to the south	single-family residence	"L-mr-2" (Planned Development - Multiple Residential) District
to the west	commercial	"I" (Central Business, etc.) District
to the east	vacant and parking	"L-mr-2" (Planned Development - Multiple Residential) District and "H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

Designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept, the following policies, among others, are applicable:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan.

A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan."

The subject lands are also located within SPECIAL POLICY AREA 3 on Schedule "B" - Special Policy Areas. The following policies should also be noted:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

- iii) Council will encourage the relocation of non-residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows;"

The application is not considered to conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "MEDIUM DENSITY APARTMENTS" on the approved Corktown Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan as the use of the existing building as a flower shop would not hinder the future development of the neighbourhood according to the neighbourhood plan. The proposal does comply with the intent of the Central Area Plan, which designates the lands as "DOWNTOWN CORE". A broad range of commercial and retail uses are permitted within this designation, including the proposed flower shop and office.

COMMENTS RECEIVED

- The following agencies have no comment or objection:

- Hamilton-Wentworth Regional Police; and,
- Hamilton Region Conservation Authority.

- The Building Department has advised that:

- "1. An office is a permitted use located anywhere in the building.
2. A warehouse is not a permitted use.
3. A retail flower shop is not a permitted use.
4. This Department recommends that the provisions of Section 11A(1)(iii) and (iv) of By-law 6593 be considered applicable to the proposed use of a retail flower shop.
5. The existing floor area ratio and the landscaped area are considered legal non-conforming provided there are no changes."

- The Traffic Department has advised that the application is "satisfactory".

- The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that both public watermains and separate storm and sanitary sewers are available to service the subject lands.

In the absence of any details shown on site plans etc., not being submitted to this office, we advise that any works within the Walnut Street South road allowance must conform to the City of Hamilton Streets By-law."

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Corktown Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - i) it implements the intent of the Central Area Plan;
 - ii) the proposal is compatible with the surrounding land uses. The proposal integrates with the commercially zoned land to the north, east and west of the property. The applicants are planning to retain the existing building which would not detract from the existing streetscape and the residential character of this portion of the neighbourhood; and,

- iii) the use of the existing building as a flower shop implements the intent of the commercial conversion provisions of Section 11A(1) of Zoning By-law No. 6593, and is no less feasible than other uses permitted as-of-right (e.g. opticians office, barber shop, hairdressing establishment, etc.).

4. The following variance has been identified:

- Storage

The provisions of Section 11A(1)(iii)(g) of Zoning By-law No. 6593 limit accessory storage of materials to no more than one-quarter of the floor area. The applicants have advised that the storage of materials for their business occupies one-half of the floor area. The variance can be supported as the storage of materials is necessary for the continuing operation of the business.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT/ma
WPZA89119



Site of the Application

APPENDIX A

CA40N HBL A05-
C51P4

Urban Municipal Librarian/
Central Library

K.E. AVERY
CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

1990 January 25th

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1989 December 13th.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 January 24th.

Yours very truly,

Susan K. Reeder

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:mc
Attch.

FILE WITH

c.c.'s - Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
- Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

Wednesday, 1989 December 13
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman M. Kiss
Alderman D. Ross
Alderman W. McCulloch
Alderman D. Christopherson
Alderman B. Hinkley

Also present: Alderman T. Murray
Alderman G. Copps
Mr. A. Georgieff, Director of Local Planning
Mr. L. Harvey, Building Department
Mr. D. Pickard, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. L. King, Building Commissioner
Mr. J. Robinson, Community Development Department
Mr. B. Allick, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. M. Watson, Real Estate, Property Department
Mr. D. Godley, Planning Department
Mr. J. Swartz, Regional Planning Department
Mr. J. Sakala, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Mr. R. Karl, Traffic Department
Mrs. N. Chapple, Architectural Historian, LACAC, Planning
Mr. J. Lakatos, Planning Department
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee discussed whether or not to have a Planning and Development Committee meeting on 1990 January 3 as the first meeting in the newly structured Committee schedule. General discussion ensued on this matter and the Committee agreed that they would hold a meeting on Wednesday, 1990 January 3.

Meeting Schedule -
1990 January

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 23 respecting By-law 80-245 as amended by By-law 88-09 respecting land drainage.

Land Drainage

The Building Commissioner outlined the staff report on this matter. Mr. Haverty, of Haverty and Rankin Limited, Architects and Mr. Valeri, Developer spoke to this matter with respect to a recent subdivision project where 75 to 80 percent of the project was completed prior to them being aware of the Roof Leaders requirement.

Mr. Tony Battaglia, representing the Hamilton and District Homebuilders Association spoke to the Committee and supported the staff recommendation with respect to this matter.

Considerable discussion then ensued on this issue and the Committee agreed to take no action with respect to the staff recommendation to amend By-law 80-245 to allow buildings other than single and two family dwellings and buildings accessory thereto to discharge rain water leaders directly onto the ground rather than providing a connection to storm sewers.

The Committee was in receipt of a report from the Building Commissioner dated 1989 December 6 respecting demolition permit applications.

Demolition Permit
Applications

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 1830 Main Street East

- (b) 1626 Upper Gage
- (c) 148 Annabelle Street
- (d) 2644 King Street East

Commercial Facade Loan
Programme Applications:

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 28 respecting a Commercial Facade Loan Programme application for property at 355 Barton Street East.

The Committee approved the following:

355 Barton Street East.

That a repayable loan, in the amount of nine thousand, six hundred and seventy-four dollars (\$9,674.) be approved under the Commercial Facade Loan Programme for 355 Barton Street East, Ms. C. Rodriguez. The interest rate will be 6 3/4 percent, amortized over 10 years.

403-405 Barton Street
East.

The Committee was in receipt of a report from the Director of Community Development dated 1989 December 7 respecting a Commercial Facade Loan Programme for application for property at 403 - 405 Barton Street East.

The Committee approved the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars (\$30,000.) be approved for 403-405 Barton Street East, Angela Agostino. The Interest rate will be 6 3/4 percent, amortized over 10 years.

361 Barton Street East.

The Committee was in receipt of a report from the Director Community Development Department dated 1989 December 7 respecting a Commercial Facade Loan Programme application for property at 361 Barton Street East.

The Committee approved the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of nine thousand, four hundred and twenty-four dollars (\$9,424.) be approved for 361 Barton Street East, Mr. Adao Dacunha. The interest rate will be 6 3/4 percent, amortized over 10 years.

NOTE: A loan in the amount of eight thousand, seven hundred and seventy-four dollars (\$8,774.) was previously approved 1989 May. This new loan amount represents an increase based on extra work required.

Change Order No.1 -
Delmar Contracting
Limited - Downtown Action
Plan, Phase V, James
Street North, Streetscape
Improvements.

The Committee was in receipt of a report from the Director of Community Development dated 1989 December 6 respecting Change Order No. 1 to Delmar Contracting Limited - Downtown Action Plan, Phase V, James Street North, Streetscape Improvements.

The Committee approved the following:

That, Change Order No. 1 in the amount of \$52,976.06 (Fifty-Two Thousand, Nine Hundred and Seventy-six dollars and six cents) be issued to Delmar Contracting Limited for Phase V, of the Downtown Action Plan (James Street North), bringing the contract value to \$1,510,035 .06 (One Million, Five Hundred and Ten Thousand, Thirty-five dollars and six cents) from \$1,457,059. (One Million, Four Hundred and Fifty-seven Thousand and Fifty-Nine dollars).

NOTE: Credits are being received from Regional Engineering, Commercial Improvement Programme and Insurance Recoveries which will reduce the City's share to \$13,400. (Thirteen thousand Four Hundred dollars).

Purchase by the City -
401 Sherman Avenue North.

The Committee was in receipt of a report from the Director of Property dated 1989 December 4 respecting Purchase by the City - 401 Sherman Avenue North.

The Committee approved the following:

That an Option to Purchase the property at 401 Sherman Avenue North duly executed by Peter Spitman on 1989 November 30 and scheduled to close on or before 1990 February 26 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 7.702 metres (25.27 feet) by a depth of 34.73 metres (114 feet), containing an area of 253.6 square metres (2,729.8 square feet) more particularly shown as Part 5 and Part 6 on Plan 62R-10267 together with all structures erected thereon. The purchase price of \$165,650. and all costs and associated expenses to be charged to Account #CF 5590 308750001. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1989 November 28 respecting payment of grading cost relating to the sale of the South Half, Part 1, 62R-8770, Upper Ottawa Street.

The Committee approved the following:

That authorization be given to pay the account of Stuart Fletcher Excavating Limited in the amount of \$19,610. for the payment of grading costs relating to the sale of the south half, Part 1, 62R-8770, Upper Ottawa Street, and charge same to account CH 5X307 00102.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 December 5 respecting cash payment in lieu of 5% parkland dedication for "Aquino Gardens - Phase 1" Hamilton.

The Committee approved the following:

That the City of Hamilton accept the sum of \$26,400. as cash payment in lieu of 5% dedication in connection with "Aquino Gardens - Phase 1", Hamilton, this being the cash requirement under section 50 of the Planning Act.

NOTE: These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood, Hamilton.

The Committee was in receipt of correspondence forwarded to them from Alderman D. Christopherson to Dr. Charles Forsyth, Vice-Chairman, CAPIC advising that he will be regretfully resigning from CAPIC as Chairman and as a member due to conflicts in his schedule.

The Committee agreed to receive this information.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 November 30 respecting proposed draft plan of subdivision for "Beaverton Drive".

The Committee approved the following:

- (a) That approval be given to subdivision application SA-89-14, "Beaverton Drive", Salci Developments Inc. owner, to establish a draft plan of subdivision located at the south side of Beaverton Drive and west of Sherman Avenue in the Butler Neighbourhood, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated 1989 June 27.
 - (ii) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (iii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

Payment of grading cost relating to the Sale of property on Upper Ottawa Street.

Cash payment in lieu of 5% Parkland Dedication - "Aquino Gardens - Phase 1".

C.A.P.I.C. Chairman

Proposed Draft Plan of Subdivision - "Beaverton Drive"

- (vi) That the owner acquire the 0.3 m reserve on the north side of Beaverton Drive and on the east side of Acadia Drive from the City of Hamilton.
- (vii) That the plan not receive final approval prior to the availability of storm and sanitary sewers.
- (viii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (ix) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-14), Salci Developments Inc., owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

DA 89-72 -
66 Ewen Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 30 respecting site plan control application DA89-72 for property at 66 Ewen Road.

A representative, Mr. Bell, spoke on behalf of the area residents to the Committee on the History of the Property and the reasons why the application should be denied.

Mr. Butterworth, Architect and Mr. Lee, Solicitor for the owner of the property, spoke on the reasons why the application should be approved.

Considerable discussion ensued on this matter by the Committee and it was then moved by Alderman Lombardo seconded by Alderman Ross and carried to approve the following recommendation:

That approval be given to site plan control application DA89-72 by 627791 Ontario Inc., c/o Aries Construction, owners of lands known as 66 Ewen Road for a public storage warehouse subject to the following:

- (a) Modification to the plans in relation to notes and dimension as marked in red on the plans.
- (b) Approval by the Committee of Adjustment to permit the following variances:
 - (i) A portion of the required front yard landscape area will be interrupted with the location of an access driveway; and
 - (ii) A reduced lot width of 20.117 m minimum instead of the required 30.0 minimum.
- (c) Submission of a landscape plan as redlined or alternate submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

NOTE: Alderman Kiss opposed.

Designation -
219 - 227 Ferguson
Avenue South.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 December 8 respecting designation for property at 219 - 227 Ferguson Avenue South.

The Committee approved the following:

- (a) That approval be given to the "Intent to Designate" the five-unit rowhouse at 219 - 227 Ferguson Avenue South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "A".
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a matter referred back by City Council respecting approval of demolition permit applications for properties at 454, 456 and 458 Main Street West. City Council approved these demolition permit applications subject to the Planning and Development Committee approving these items as well.

Demolition Permit
Applications referred
back by City Council.

The Planning and Development approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 454 Main Street West
- (b) 456 Main Street West
- (c) 458 Main Street West

NOTE: These properties were given conditional approval by City Council at its meeting held Tuesday, 1989 December 12 subject to approval of this matter by the Planning and Development Committee.

The Committee then moved to the City Hall Council Chambers to deliberate on Zoning Applications.

Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 4 respecting City Initiative 89-C for property at 71 - 103 Britten Close.

C.I.89-C - 71-
103 Britten Close.

The Committee approved the following:

That approval be given to City Initiative 89-C for a modification to the "C" (Urban Protected Residential, etc.) District regulations, to establish the location of the "rear lot line", for the properties located at 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) For the purposes of this by-law, the rear lot line shall be the boundary line along Garth Street.
 - (ii) That no vehicular access shall be permitted from Garth Street.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1153, and that the subject lands on Zoning District Map W-17A be notated S-1153;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17A for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The Purpose of this by-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for the properties located at 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close.

The effect of the By-law is to exempt the subject properties from the "through-lot" provisions of Zoning By-law No. 6593, by establishing the property lines adjoining Garth Street as the "rear lot line". In addition, vehicular access from Garth Street will be prohibited.

ZA 89-92 -
302 Stone Church
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 5 respecting Zoning Application 89-92 for property at 302 Stone Church Road West.

The Committee approved the following:

That approval be given to Zoning Application 89-92, Mrs. Siga Erickson, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to create three single-family dwelling lots for property located at 302 Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 302 Stone Church Road West.

The effect of the proposed change in zoning is to sever the subject land into three building lots for single-family detached dwellings.

ZA 89-88 -
1050 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 5 respecting Zoning Application 89-88 for property located at 1050 Rymal Road East.

The Applicant spoke to the Committee on the reasons why this application should be approved.

The Committee then approved the following:

- (A) That amended Zoning Application 89-88, 712191 Ontario Ltd. (G. Valko), Owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a gas bar and a lube shop for the property located at 1050 Rymal Road East, as shown on the attached map marked as Appendix "D", be DENIED in part, for the following reasons:
 - (a) The gas bar is considered as a commercial use which is more appropriately located in the "M-11" zone which permits a broad range of commercial uses;
 - (b) There is an adequate supply of suitably zoned land along Rymal Road East to accommodate the proposed gas bar use; and,
 - (c) Approval of the application may encourage other similar type applications which, if approved, would undermine the intent of the Prestige Industrial Zoning Districts.
- (B) That approval be given to a further amended Zoning Application 89-88, 712191 Ontario Ltd. (G. Valko), owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a lube shop, for the property located at 1050 Rymal Road East, as shown on the attached map marked as appendix "D", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17(D)(1)(b), the following additional commercial use shall be permitted:

Commercial Use

S.I.C. Number

Gasoline Service Station,
restricted to

6331

1. Lubrication services, motor
vehicles.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1154, and that the subject lands on Zoning District Map E-49E be notated S-1154;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to "M-12" (Prestige Industrial) District regulations for the property located at 1050 Rymal Road East.

The effect of the By-law is to permit a lube shop in conjunction with a proposed car wash.

NOTE: Alderman Smith opposed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 6 respecting Zoning Application 89-94 for property at 820 Rymal Road East.

Report of the circularization was given as follows: 197 notices sent, 5 in favour, 6 opposed.

The Committee was also in receipt of correspondence from Mr. A. DiCenzo, DiCenzo Construction Company dated 1989 December 6.

Mr. E. Fothergill of Fothergill Planning Consultants, spoke on behalf of Mr. Spenuk, owner of the property, on the reasons why the project should be approved.

The Committee was in receipt of a submission from Mr. Fothergill respecting his presentation dated 1989 December 11 which includes a petition from area residents advising that they do not view this project as having a negative impact on their neighbourhood.

The Committee then approved the following:

- (a) That approval be given to Official Plan Amendment No. 84 to redesignate the subject lands from "Residential" to "Commercial", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Zoning Application 89-94, J. and E. Spenuk, owners, for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at 820 Rymal Road East, as shown on the attached map marked as Appendix "E" on the following basis:

ZA 89-94 -
820 Rymal Road East.

- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D and E-38E for presentation to City Council;
 - (iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 84 by the Regional Municipality of Hamilton-Wentworth; and,
 - (iv) That the Broughton West Neighbourhood Plan be amended by redesignating the subject lands from "Single" to "Double" residential to "Commercial".
- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 820 Rymal Road East.

The effect of the By-law is to permit a commercial shopping plaza to be constructed on the site.

NOTE: Alderman Christopherson opposed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 December 6 respecting Zoning Application 89-38 for lands located south of the C.N. Railway Tracks, east of Centennial Parkway North.

Mr. Sampson, an Ancaster resident spoke to the Committee with respect to Lot 6 in the survey east of the subject lands. He expressed concern at the traffic coming into Cascade from the proposed development.

General discussion then ensued on the traffic patterns in this area.

A Vice-President from Landawn Shopping Centres (National) Limited, spoke to the Committee in support of the staff recommendation to approve this application.

The Committee then approved the following:

- (a) That approval be given to Official Plan Amendment No. 83 to redesignate the subject lands from "Industrial" to "Commercial", to delete the lands from Special Policy Area 11 and to establish a new Special Policy Area to limit the types of Commercial uses, and that the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to an amended Zoning Application 89-38, Landawn Shopping Centres (National) Limited, prospective owner, requesting a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit the construction of a one storey, 9,950 m² shopping centre (i.e. Home Design Centre), for the lands located south of the C.N.R. Railway Tracks, east of Centennial Parkway North, as shown on the attached map marked as Appendix "F", on the following basis:
 - (i) That the subject lands be rezoned from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District;

ZA 89-38 -
south of C.N. Railway
Tracks, east of
Centennial Parkway
North.

- (ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (1) That notwithstanding Section 14A(1), only the following uses shall be permitted:

Residential

- (a) Hotel

Commercial

- (b) Gas Bar;
- (c) Building Supply Store (Lumber Yard);
- (d) Sporting Goods Store;
- (e) Offices;
- (f) Bowling alley;
- (g) Billiard hall;
- (h) Cinema (movie theatre);
- (i) Restaurant provided it is non-fast food, there is no drive-thru facility, and it is not free standing;
- (j) Bank;
- (k) Shoe Repair Shop;
- (l) Barbershop, hairdressing establishment or beauty parlour;
- (m) A store for the sale of tobacco products, newspapers and magazines; and
- (n) Signs in accordance with the "HH" District provisions.

- (2) That notwithstanding Section 14A(1), the following uses shall be permitted in addition to the uses listed in Subsection 2(ii)a) above:

<u>Commercial Uses</u>	<u>S.I.C. Identification</u>
(a) Household Furniture Stores (With Appliances and Furnishings)	6211
(b) Household Furniture Stores (Without Appliances and Furnishings)	6212
(c) Appliance, Television, Radio and Stereo Stores	6221
(d) Television, Radio and Stereo Stores	6222
(e) Floor Covering Stores	6231
(f) Drapery Stores	6232
(g) Other Household Furnishings Stores	6239
(h) Lawn and Garden Centres	6522
(i) Hardware Stores	6531
(j) Paint, Glass and Wallpaper Stores	6532

- (3) That notwithstanding Section 14A, outside storage use in conjunction with a permitted use shall be permitted subject to the following:

- (a) A visual barrier not less than 1.5 m and not more than 2.0 m in height shall be provided and maintained along the westerly boundary and 20 m along the southerly boundary contiguous to the westerly boundary.
- (b) The total area of the outside storage shall not exceed 15% of the total lot area.
- (4) That a minimum 3.0 m wide landscape strip shall be provided and maintained along the lot line adjoining Centennial Parkway, except for any area used for access driveway(s).
- (5) That a chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1155, and that the subject lands on Zoning District Map E-113 be notated S-1155;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 83 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The Purpose of the by-law is to provide for a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District, for the lands located south of the C.N. Railway tracks, east of Centennial Parkway North.

The effect of the By-law is to permit the construction of a one storey, 9,950 m², shopping centre (i.e. Home Design Centre) containing one or more of the following uses as previously noted.

In addition, the By-law provides for the following variances as special requirements:

- (a) to permit an outside storage area in conjunction with a permitted use, provided the total outside storage area shall not exceed 15% of the total lot area;
- (b) to require a visual barrier between 1.5 m to 3.0 m in height along the westerly boundary and 20 m of the southerly boundary of the storage area;
- (c) to provide and maintain a minimum 3.0 m wide landscape strip along the lot line adjoining Centennial Parkway, except for any area used for an access driveway(s); and
- (d) to provide and maintain a chain-link fence not less than 1.8 m in height along the northerly lot line adjacent to the Canadian National Railway Line.

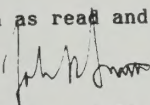
As a result of discussion on the traffic impact in this area, it was agreed that the Traffic Department would review the Cascade entrance to determine what problems will be arising.

The Committee was also advised that this property will automatically come under Site Plan Control.

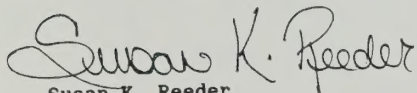
There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,



Alderman J. Smith, Chairman
Planning and Development



Susan K. Reeder
Secretary
1989 December 13



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25175	GREEN/VERT	BPS2507
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